

ESTTA Tracking number: **ESTTA437866**

Filing date: **10/26/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050966
Party	Plaintiff Atlas Flowers, Inc. d/b/a Golden Flowers
Correspondence Address	CAROLINE G BOEHM KALOW & SPRINGUT LLP 488 MADISON AVE NEW YORK, NY 10022-5706 UNITED STATES tbenschar@creativity-law.com, cboehm@creativity-law.com, ms@creativity-law.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Tal S. Benschar
Filer's e-mail	tbenschar@creativity-law.com
Signature	/Tal S. Benschar/
Date	10/26/2011
Attachments	Notice of Reliance.pdf ( 3 pages )(60739 bytes ) 1 - Tscript Shi Wen Huang 2009.12.09.pdf ( 24 pages )(1197116 bytes ) 2 - Tscript Shun Chi Huang 2010.05.14.pdf ( 18 pages )(79002 bytes ) 3 - Tscript Li Ying Chuong 2010.05.14.pdf ( 15 pages )(64069 bytes ) 4 - Discovery Depo Exhibit 29.pdf ( 6 pages )(1875326 bytes ) 5 - Discovery Depo Exhibit 33.PDF ( 2 pages )(111247 bytes ) 6 - Registrant's Corporate Filings - FL.PDF ( 8 pages )(329250 bytes ) 7 - Registrant's Answers to Interrogatories.PDF ( 9 pages )(294878 bytes ) 8 - Registrant's Answer and Aff Defenses.PDF ( 5 pages )(157713 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,074,073

Mark:



-----X	
ATLAS FLOWERS, INC. d/b/a GOLDEN	:
FLOWERS,	:
	:
Petitioner,	:
	:
- against -	:
	:
GOLDEN VISION FLOWER, INC.,	:
	:
Registrant.	:
-----X	

CANCELLATION NO.: 92050966

**NOTICE OF RELIANCE**

To: Jeffrey S. Dawson, Esq.  
P.O. Box 1111  
Winter Haven, FL 33882  
jdawson@jdawsonlaw.com  
*Counsel for Registrant*

PLEASE TAKE NOTICE that pursuant to TBMP § 704, petitioner Atlas Flowers, Inc.  
dba Golden Flowers hereby files and relies upon the following documents attached hereto:

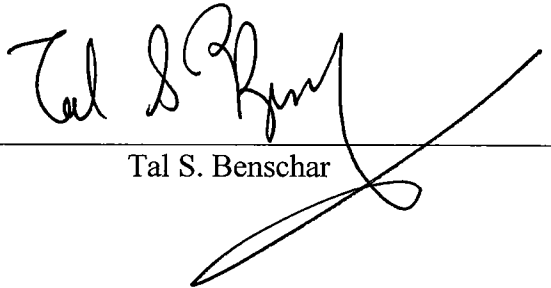
1. Transcript of Discovery Deposition of Shi Wen Huang of December 9, 2009, with Stipulation of the parties re same
2. Transcript of Discovery Deposition of Shun Chi Huang of May 14, 2010
3. Transcript of Discovery Deposition of Li Ying Chuong of May 14, 2010
4. Discovery Deposition Exhibit 29 (Statement of Use submitted in support of subject application)
5. Discovery Deposition Exhibit 33 (May 12, 2004 letter from Registrant's Taiwan counsel to U.S. counsel)
6. Registrant's corporate filings with Florida Secretary of State.
7. Registrant's Answers to Interrogatories
8. Registrant's Answer and Affirmative Defenses to Second Amended Petition for Cancellation

KALOW & SPRINGUT LLP

Dated: October 26, 2011

By: \_\_\_\_\_

Tal S. Benschar

A handwritten signature in black ink, appearing to read 'Tal S. Benschar', is written over a horizontal line. The signature is stylized with a large, sweeping flourish that extends downwards and to the right.

## DECLARATION OF SERVICE

**SARAH BYRNES** declares that:

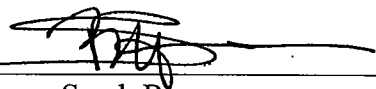
1. I am an assistant with KALOW & SPRINGUT LLP, attorneys for the Opposer in the captioned proceeding, and that on the execution date which appears below, a true copy of the annexed **NOTICE OF RELIANCE** was served via email and U.S. Mail upon the following addressee:

Jeffrey S. Dawson, Esq.  
P.O. Box 1111  
Winter Haven, FL 33882  
jdawson@jdawsonlaw.com

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on October 26, 2011  
New York, New York

By: \_\_\_\_\_

  
Sarah Byrnes

# **NOTICE OF RELIANCE**

## **DOCUMENT 1**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,074,073

Mark:



-----X  
ATLAS FLOWERS, INC. d/b/a GOLDEN  
FLOWERS,

Petitioner,

- against -

GOLDEN VISION FLOWER, INC.,

Registrant.  
-----X

Cancellation No.: 92050966

**STIPULATION REGARDING DEPOSITION OF SHIH WEN HUANG**

In accordance with 37 CFR § 2.120(j) and TBMP § 704.09 the parties to the above proceeding, through their undersigned counsel, hereby STIPULATE that petitioner Atlas Flowers, Inc. may offer into evidence at the trial of this proceeding the transcript of the deposition of Shih Wen Huang taken on December 9, 2009, and any exhibits thereto, by filing same attached to a Notice of Reliance in accordance with TBMP § 704.02.

KALOW & SPRINGUT LLP

By: 

Milton Springut  
Tal S. Benschar  
488 Madison Avenue  
New York, NY 10022  
(212) 813-1600

*Attorneys for Petitioner*

JEFFREY S. DAWSON, ESQ.

By: 

56 Fourth Street, NW  
Suite 100  
Winter Haven, FL 33881  
863.293.9600

*Attorney for Registrant*

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD</p> <p>ATLAS FLOWERS, INC. d/b/a GOLDEN FLOWERS,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="padding-left: 40px;">- against -</p> <p>GOLDEN VISION FLOWER, INC., Registrant.</p> <hr style="width: 20%; margin-left: 0;"/> <p style="text-align: center;">DEPOSITION OF SHIH WEN HUANG</p> <p style="text-align: center;">WEDNESDAY, DECEMBER 9, 2009 9:42 a.m. - 12:27 p.m.</p> <p style="text-align: center;">200 EAST ROBINSON STREET, SUITE 725 ORLANDO, FLORIDA 32801</p> <p>REPORTED BY: Stacy Pace, RPR, CSR, CRR, FPR Notary Public, State of Florida Esquire Deposition Solutions Orlando Office - Job# 132185 Phone: 407-426-7676</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p>Testimony of SHIH WEN HUANG Direct Examination by Mr. Springut ..... 4</p> <p>Certificate of Oath ..... 82</p> <p>Certificate of Reporter ..... 83</p> <p>Errata Sheet ..... 84</p> <p>Read &amp; Sign Letter ..... 85</p> <p style="text-align: center;">- - - -</p> <p style="text-align: center;">E X H I B I T S</p> <p>Petitioner's</p> <p>Exhibit No. 1 ..... 7 (deposition notice)</p> <p>Exhibit No. 2 ..... 54 (Orchids magazine)</p> <p>Exhibit No. 3 ..... 55 (brochure)</p> <p>Exhibit No. 4 ..... 58 (brochure)</p> <p>Exhibit No. 5 ..... 61 (tag/logo)</p> <p>Exhibit No. 6 ..... 62 (SFS show guide)</p> <p>Exhibit No. 7 ..... 62 (trade show photo)</p> <p>Exhibit No. 8 ..... 62 (trade show photo)</p> <p>Exhibit No. 9 ..... 63 (World Floral Expo directory)</p> <p>Exhibit No. 10 ..... 63 (FNGLA directory)</p> <p>Exhibit No. 11 ..... 63 (OFA directory)</p> <p>Exhibit No. 12 ..... 63 (PLNA directory)</p> <p>Exhibit No. 13 ..... 63 (trade show photo)</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Petitioner:</p> <p>4 Milton Springut, Esquire</p> <p>5 Kalow &amp; Springut, LLP</p> <p>6 488 Madison Avenue</p> <p>7 New York, New York 10022</p> <p>8</p> <p>9 On behalf of the Registrant:</p> <p>10 Jeffrey S. Dawson, Esquire</p> <p>11 Jeffrey S. Dawson, P.A.</p> <p>12 56 Fourth Street, NW</p> <p>13 Suite 100</p> <p>14 Winter Haven, Florida 33881</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p>	<p style="text-align: center;">4</p> <p>1 Exhibit No. 14 ..... 63 (SFS show guide)</p> <p>2 Exhibit No. 15 ..... 64 (TNLA program)</p> <p>3 Exhibit No. 16 ..... 64 (trade show photo)</p> <p>4 Exhibit No. 17 ..... 64 (New England Grows directory)</p> <p>5 Exhibit No. 18 ..... 64 (PLNA directory)</p> <p>6 Exhibit No. 19 ..... 64 (OFA directory)</p> <p>7 Exhibit No. 20 ..... 64 (PLNA directory)</p> <p>8 Exhibit No. 21 ..... 64 (SFS show guide)</p> <p>9 Exhibit No. 22 ..... 64 (TNLA program)</p> <p>10 Exhibit No. 23 ..... 65 (TPIE directory)</p> <p>11 Exhibit No. 24 ..... 65 (brochure)</p> <p>12 Exhibit No. 25 ..... 65 (answer &amp; affirmative defenses)</p> <p>13 Exhibit No. 26 ..... 66 (answers to interrogatories)</p> <p>14 Exhibit No. 27 ..... 73 (trademark search)</p> <p>15 Exhibit No. 28 ..... 74 (trademark application)</p> <p>16 Exhibit No. 29 ..... 74 (statement of use)</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

<p style="text-align: center;">5</p> <p>1 Deposition taken before STACY PACE, RPR, CSR, CRR, 2 FPR, and Notary Public in and for the State of Florida at 3 Large, in the above cause. 4 - - - - 5 Thereupon, 6 SHIH WEN HUANG, 7 having been first duly sworn or affirmed, was examined 8 and testified as follows: 9 THE WITNESS: Yes. 10 DIRECT EXAMINATION 11 BY MR. SPRINGUT: 12 Q Good morning, Ms. Huang. 13 A Good morning. 14 Q My name is Milton Springut, and I'm the 15 lawyer for the petitioner in this case, and we're 16 here to ask you some questions with regard to the 17 subject matter of this proceeding to help the 18 Trademark Trial and Appeal Board resolve the matter. 19 Okay? 20 A Yes. 21 Q I assume you've received a briefing about 22 the nature and purpose of this proceeding this 23 morning? 24 A Yes. 25 Q Do you have any questions at this time?</p>	<p style="text-align: center;">7</p> <p>1 reporter to mark this notice as Petitioner's 2 Exhibit 1. 3 (Petitioner's Exhibit No. 1 marked for 4 identification.) 5 BY MR. SPRINGUT: 6 Q Ms. Huang, are you appearing here today 7 pursuant to the notice of Petitioner Exhibit 1? 8 A Yes. 9 Q And you are Shih Wen Huang, correct? 10 A Correct. 11 Q And you'll notice that immediately after 12 your deposition, we are scheduled to take the 13 deposition of Chiung Ying Huang? 14 A Yes. 15 Q What is -- are you related to that person? 16 A Yes. 17 Q What is the relationship? 18 A She's my sister. 19 Q Who are you employed by? 20 A Skypro-Trading. 21 Q Can you spell that? 22 A S-K-Y-P-R-O, dash, Trading, T-R-A-D-I-N-G. 23 Q And what is your position with 24 Skypro-Trading? 25 A General manager.</p>
<p style="text-align: center;">6</p> <p>1 A No. 2 Q Now, on behalf of the court reporter, it's 3 really important that you verbalize your responses. 4 If you shake your head or grunt, she's going to have 5 a very hard time taking that on the machine. 6 A Okay, I understand. 7 Q So you agree to verbalize all your 8 responses? 9 A Yes. 10 Q Great. If you don't understand my 11 questions, I'll be glad repeat or rephrase them. 12 Similarly, if I don't understand your answers or 13 they're incomplete, I'll ask you to explain. 14 A Okay. 15 Q Is there anything preventing you from 16 giving me full and complete answers to my questions 17 this morning from your side? 18 A Sorry? 19 Q Is there anything preventing you from</p>	<p style="text-align: center;">8</p> <p>1 Q And what is your business address? 2 A It's 2809 West Kelly Park Road, Apopka, 3 Florida. ZIP code 32712. 4 Q And what is the business phone there? 5 A (407)462-8028. 6 Q And where do you live? 7 A Where I live? 8 Q What's your address? 9 A It's 680 Maya -- do I have to spell? 10 Q It probably would help the reporter. 11 A M-A -- M-A-Y-A Susan, S-U-S-A-N, Loop, 12 L-O-O-P, Apopka, Florida. 13 Q And your phone number at your residence? 14 A I put my cell phone. I didn't have any 15 residence phone. 16 Q Same phone? 17 A Yes. 18 Q What is the relationship of Skypro-Trading 19 to Golden Vision Flower Inc., if any?</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)



<p style="text-align: center;">9</p> <p>1 Q Is one a subsidiary of the other, for 2 example?</p> <p>3 A Golden Vision Flower, it's owned by my 4 parents.</p> <p>5 Q Okay. So -- and what are their names?</p> <p>6 A Shun-Chi Huang. S-H-U-N, dash, C-H-I. 7 Last name H-U-A-N-G.</p> <p>8 Q Okay.</p> <p>9 A Li-Ying. L-I, dash, C H I U N G -- oh, 10 sorry --</p> <p>11 Q Start again.</p> <p>12 A It's L-I-Y-I-N-G. Last name C-H-U-A-N-G.</p> <p>13 Q These are your parents?</p> <p>14 A Yes.</p> <p>15 Q And they're the owners of Golden Vision 16 Flower --</p> <p>17 A Yes.</p> <p>18 Q -- the owner of the registration we're --</p> <p>19 A Yes.</p> <p>20 Q -- here about today?</p> <p>21 Okay. Can you tell me how old are you?</p> <p>22 A Twenty-nine.</p> <p>23 Q Okay. And where were you born?</p> <p>24 A Where I'm born? Taiwan.</p> <p>25 Q And how long have you been in the United</p>	<p style="text-align: center;">11</p> <p>1 University in Ontario, Canada. And after I 2 graduate, I came to the United States.</p> <p>3 Q When did you graduate Ottawa University?</p> <p>4 A It's a year before I came. I think it's 5 2004.</p> <p>6 Q And did you major in anything?</p> <p>7 A Yes. I major in business and economics.</p> <p>8 Q And when you came here in about 2004, did 9 you go to school, did you work? What did you do?</p> <p>10 A Oh, I took some class here before I 11 started work.</p> <p>12 Q And when did you start work?</p> <p>13 A Officially it's 2007. Before that, just 14 like helping my dad, if my dad is not in the United 15 States. But officially I think it's 2007.</p> <p>16 Q Before 2007, what did you do to help your 17 father?</p> <p>18 A Mostly for financial transaction, or like 19 prepare a report for the sales for Golden Vision, 20 and -- and trade show.</p> <p>21 Q When you say trade show, what do you mean?</p> <p>22 A It's more like commercial trade show.</p> <p>23 Q What did you do?</p> <p>24 A Attending; decide which one to go, which 25 one not.</p>
<p style="text-align: center;">10</p> <p>1 States?</p> <p>2 A Since -- I'm not sure, but I think it's 3 2004.</p> <p>4 Q And where do your parents live?</p> <p>5 A Right now?</p> <p>6 Q Right now.</p> <p>7 A In Taiwan.</p> <p>8 Q And do they live somewhere else at some 9 point in time?</p> <p>10 A They kind of travel between U.S. and 11 Taiwan.</p> <p>12 Q But their home is in Taiwan?</p> <p>13 A Yes.</p> <p>14 Q Are you a citizen?</p> <p>15 A No.</p> <p>16 Q Do you have a green card?</p> <p>17 A No.</p> <p>18 Q What's your status here?</p> <p>19 A E2 visa.</p>	<p style="text-align: center;">12</p> <p>1 Q Okay.</p> <p>2 A And if my dad was doing customer visiting, 3 doing like maybe translator for him.</p> <p>4 Q Does your father speak English?</p> <p>5 A (Witness shakes head.) No.</p> <p>6 Q Was your help all in connection with his 7 business, Golden Vision Flower?</p> <p>8 A Yes.</p> <p>9 Q And before 2007, what was the nature of 10 his business?</p> <p>11 A Nursery.</p> <p>12 Q When you say nursery, be a little more 13 specific.</p> <p>14 A Because Golden Vision, it's mainly focused 15 on orchid business, like potting plant.</p> <p>16 Q Can you --</p> <p>17 A The potting, P-O-T-T-I-N-G.</p> <p>18 Q Right.</p> <p>19 A The potting plant, yeah.</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

<p style="text-align: center;">13</p> <p>1 Q So all -- all the plants are orchids?</p> <p>2 A Majority. Different type of orchids. But</p> <p>3 right now like I would say a hundred percent what we</p> <p>4 do is orchids.</p> <p>5 Q All the orchids are in -- in pots?</p> <p>6 A Yes.</p> <p>7 Q And you sell that --</p> <p>8 A Yeah.</p> <p>9 Q -- to your customers?</p> <p>10 A Uh-huh.</p> <p>11 Q Is the business different today than it</p> <p>12 was earlier on?</p> <p>13 A No.</p> <p>14 Q It's always been orchids?</p> <p>15 A It's always been orchids.</p> <p>16 Q And does your father have any other</p> <p>17 businesses in the United States aside from Golden</p> <p>18 Vision Flower?</p> <p>19 A No.</p> <p>20 Q So before 2007, you had some kind of</p> <p>21 informal relationship with your father where you</p> <p>22 helped him in the business?</p> <p>23 A Yes.</p> <p>24 Q And how did that change in 2007?</p> <p>25 A How did that change? Are you asking why</p>	<p style="text-align: center;">15</p> <p>1 A Sometime I -- well, I bought some pottery,</p> <p>2 also, and sell to other nursery people, but right</p> <p>3 now I still focus on nursery business.</p> <p>4 Q And is the nursery business in connection</p> <p>5 with Golden Vision or somebody else also?</p> <p>6 A Sorry, what's the question?</p> <p>7 MR. SPRINGUT: Would you --</p> <p>8 (Requested portion of the record was read</p> <p>9 back by the court reporter.)</p> <p>10 THE WITNESS: Skypro?</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q Yes.</p> <p>13 A Golden Vision was one of the biggest</p> <p>14 customers for Skypro, but we also sell like</p> <p>15 material, like greenhouse material to other people.</p> <p>16 Q But do you work for any other nurseries?</p> <p>17 A For Skypro, we have some other customers,</p> <p>18 yes.</p> <p>19 Q Are they nursery?</p> <p>20 A Not really. It's more like wholesale</p> <p>21 people, wholesale customers.</p> <p>22 Q Is Skypro-Trading a corporation?</p> <p>23 A LLC.</p> <p>24 Q Are there any officers or members of the</p> <p>25 company?</p>
<p style="text-align: center;">14</p> <p>1 we have different company or --</p> <p>2 Q No. You said that before 2007 you were</p> <p>3 helping him.</p> <p>4 A Yeah.</p> <p>5 Q So what happened in 2007?</p> <p>6 A Nothing. I just want to set up my own</p> <p>7 company.</p> <p>8 Q So you set up your own company --</p> <p>9 A Yeah.</p> <p>10 Q -- in 2007?</p> <p>11 A Yes.</p> <p>12 Q And that's Skypro-Trading?</p> <p>13 A Yes.</p> <p>14 Q And tell us why you set up your own</p> <p>15 company.</p> <p>16 A It's just if I want to do something more</p> <p>17 than just the plant or nursery, that I can -- I can</p> <p>18 do it with my company.</p> <p>19 Q So you set up Skypro in 2007?</p>	<p style="text-align: center;">16</p> <p>1 A Skypro, my sister. She's the other</p> <p>2 manager.</p> <p>3 Q So both of you are managers?</p> <p>4 A Yes.</p> <p>5 Q Anybody else in the company?</p> <p>6 A Also the other sister.</p> <p>7 Q Another sister?</p> <p>8 A Yes.</p> <p>9 Q What's her name?</p> <p>10 A Three of us. Yating, Y-A-T-I-N-G, Huang,</p> <p>11 H-U-A-N-G.</p> <p>12 Q And she's also a member?</p> <p>13 A Of Skypro.</p> <p>14 Q And what does she do?</p> <p>15 A She is more in production, quality control</p> <p>16 side.</p> <p>17 Q And what type of quality control does</p> <p>18 Skypro-Trading do?</p> <p>19 A Well, Skypro-Trading, it's the marketing</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

<p style="text-align: center;">17</p> <p>1 water quality that you should be aware, and also</p> <p>2 sometime disease, what you should be -- what kind of</p> <p>3 chemical that you can apply.</p> <p>4 Q And for which of your customers do you do</p> <p>5 that?</p> <p>6 A That -- mostly for Golden Vision, and</p> <p>7 sometimes if Golden Vision customers have a problem</p> <p>8 with how to grow orchids, then we will provide them</p> <p>9 those (sic) information.</p> <p>10 Q And what does your second sister do, Chiug</p> <p>11 Ying Huang?</p> <p>12 A She is mostly in production side.</p> <p>13 Q What does that mean?</p> <p>14 A She -- well, she indirect deals with the</p> <p>15 customers, if the customer has a problem regarding</p> <p>16 about the quality of the plant. And she is the one</p> <p>17 over -- like chemical treatment on the plant.</p> <p>18 Q Whose -- whose customers is she dealing</p> <p>19 with?</p> <p>20 A Golden Vision's customers.</p> <p>21 Q And you say she indirectly deals with</p> <p>22 Golden Vision's customers?</p> <p>23 A Yes.</p> <p>24 Q What does that mean?</p> <p>25 A Because mostly it's -- I'm more in charge.</p>	<p style="text-align: center;">19</p> <p>1 Q How about Golden Vision?</p> <p>2 A No.</p> <p>3 Q Are you engaged in any business activities</p> <p>4 of any kind other than in connection with Skypro?</p> <p>5 A Sorry. If -- does it mean -- sorry, I</p> <p>6 don't understand the question.</p> <p>7 Q She'll repeat.</p> <p>8 (Requested portion of the record was read</p> <p>9 back by the court reporter.)</p> <p>10 THE WITNESS: So connection with Golden</p> <p>11 Vision?</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q Other than Golden Vision also.</p> <p>14 A Oh. No.</p> <p>15 Q Are your sisters involved in any other</p> <p>16 business activities of any kind other than Skypro</p> <p>17 and Golden Vision?</p> <p>18 A No.</p> <p>19 Q What's the present -- what's the present</p> <p>20 business of Golden Vision Flower?</p> <p>21 A The major business?</p> <p>22 Q Sure.</p> <p>23 A For Golden Vision it would be, we provide</p> <p>24 the higher quality to the wholesale florist in --</p> <p>25 like among the states and some customer in Canada.</p>
<p style="text-align: center;">18</p> <p>1 I direct deal with Golden Vision's customers. And</p> <p>2 if they have problems, I ask the production side; I</p> <p>3 ask them if something like this situation, what</p> <p>4 would be the cause of that. And if that's something</p> <p>5 regarding about the production, then they give me</p> <p>6 those knowledge and those answers; I respond to the</p> <p>7 customer.</p> <p>8 Q She doesn't deal directly with the</p> <p>9 customers?</p> <p>10 A Most of the time, indirect.</p> <p>11 Q Are there any other members or officers of</p> <p>12 Skypro-Trading?</p> <p>13 A No.</p> <p>14 Q That's it?</p> <p>15 A Yes.</p> <p>16 Q Have you ever given a deposition before?</p> <p>17 A Yes.</p> <p>18 Q On how many occasions?</p> <p>19 A One.</p>	<p style="text-align: center;">20</p> <p>1 Q What does Golden Vision do? What's its</p> <p>2 business today?</p> <p>3 A Golden Vision, they sale the -- the</p> <p>4 orchids to wholesale customers.</p> <p>5 Q Throughout the United States?</p> <p>6 A Yes.</p> <p>7 Q And Canada?</p> <p>8 A Yes.</p> <p>9 Q Do they do anything else beyond selling</p> <p>10 orchids?</p> <p>11 A No.</p> <p>12 Q Have they ever sold any other things other</p> <p>13 than orchids?</p> <p>14 A Pottery. But, yeah, only orchids. For</p> <p>15 the plants, only orchids.</p> <p>16 Q So the only plants Golden Vision has sold</p> <p>17 are orchids, right?</p> <p>18 A Yes.</p> <p>19 Q Has it sold other merchandise other than</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

<p style="text-align: center;">21</p> <p>1 Q Do you sell pottery today?</p> <p>2 A No, it's only for certain customers, they</p> <p>3 need -- I mean, they need the package -- the whole</p> <p>4 package, like which we need to include maybe a</p> <p>5 sleeve and all. So nice pottery for the store, then</p> <p>6 we do that.</p> <p>7 Q So it's packaging for the orchids?</p> <p>8 A Yes.</p> <p>9 Q So the only business Golden Vision Flower</p> <p>10 has ever been in is selling of orchids?</p> <p>11 A Uh-huh.</p> <p>12 Q And packaging for orchids?</p> <p>13 A Yes.</p> <p>14 Q That's it?</p> <p>15 A Yes.</p> <p>16 Q Is Golden Vision Flower a corporation?</p> <p>17 A Yes.</p> <p>18 Q Where was it incorporated?</p> <p>19 A Apopka, Florida.</p> <p>20 Q When?</p> <p>21 A I am not sure, but I think it's 2003.</p> <p>22 Q About 2003?</p> <p>23 A Yeah.</p> <p>24 Q And in 2003, who were the officers of</p> <p>25 Golden Vision Flower?</p>	<p style="text-align: center;">23</p> <p>1 A I'm not sure. I have to ask him.</p> <p>2 Q In or about 2003, can you tell me who were</p> <p>3 the directors of the company?</p> <p>4 A I know both my parents, but if you ask me</p> <p>5 the percent each, I'm not sure.</p> <p>6 Q Both your parents were directors?</p> <p>7 A Yes.</p> <p>8 Q In 2003 did the company have any</p> <p>9 employees?</p> <p>10 A Yes.</p> <p>11 Q How many?</p> <p>12 A Probably around -- between 10 to 12</p> <p>13 people.</p> <p>14 Q And were any of these people managers?</p> <p>15 A Yes, but the manager, he has already left,</p> <p>16 for the company.</p> <p>17 Q Who's that?</p> <p>18 A Kevin. I don't remember his last name.</p> <p>19 Q He was the company manager?</p> <p>20 A Yes.</p> <p>21 Q When did he start with the company?</p> <p>22 A A little bit after we bought the land,</p> <p>23 right when we start using the greenhouse.</p> <p>24 Q And that was when?</p> <p>25 A Maybe 2004.</p>
<p style="text-align: center;">22</p> <p>1 A Shun-Chi Huang.</p> <p>2 Q You?</p> <p>3 A No.</p> <p>4 Q No?</p> <p>5 A No.</p> <p>6 Q Who?</p> <p>7 A Shun-Chi Huang, my dad.</p> <p>8 Q Your dad.</p> <p>9 A My father.</p> <p>10 Q Any other people?</p> <p>11 A No.</p> <p>12 Q What was his position?</p> <p>13 A President.</p> <p>14 Q And he was the only officer?</p> <p>15 A At that time.</p> <p>16 Q Have there been other officers since then?</p> <p>17 A I'm not sure.</p> <p>18 Q Who would know?</p> <p>19 A Probably have to ask him.</p>	<p style="text-align: center;">24</p> <p>1 Q When did he leave?</p> <p>2 A Around 2005 or 2006.</p> <p>3 Q Are there any other managers?</p> <p>4 A No, I don't -- I don't think so.</p> <p>5 Q How many employees does the company have</p> <p>6 today?</p> <p>7 A For Golden Vision?</p> <p>8 Q (Nods head.)</p> <p>9 A Around eight.</p> <p>10 Q And are any of those eight people managers</p> <p>11 or have any managerial responsibility?</p> <p>12 A No. Since we are in charge of -- since</p> <p>13 Skypro-Trading was in charge of production and also</p> <p>14 sales, we took care of that part.</p> <p>15 Q So is it fair to say that you and your</p> <p>16 sisters are operating the company today?</p> <p>17 A Yes.</p> <p>18 Q And what is your father or your mother's</p> <p>19 role in the company today?</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

<p style="text-align: center;">25</p> <p>1 A On the report, like sales report and also 2 financial report. 3 Q So he comes to Florida every two months? 4 A Yes, most likely. 5 Q These employees, which were 10 to 12 6 originally and are eight now, what do they do? 7 A You mean in the beginning? 8 Q The employees that you have, what do they 9 do? 10 A You're asking for Skypro or for Golden 11 Vision? 12 Q The 10 to 12 Golden Vision employees. 13 A Okay. We kind of separate the employee 14 who in charge of shipping; we switch that to 15 Skypro-Trading. Person who in charge of daily 16 greenhouse work, they keep under Golden Vision 17 Flower. 18 Q And what is that work? 19 A For Golden Vision? Watering, fertilizing, 20 cleaning the greenhouse, and maintain equipment. 21 Q Has the character of Golden Vision 22 Flower's business changed in any way since the 23 company was started in about 2003? 24 A The nature of business is the same. 25 Q The same?</p>	<p style="text-align: center;">27</p> <p>1 in California and sometimes to Japan. And some part 2 was in Taiwan. 3 Q Can you explain how that works? What 4 happens in Taiwan and what happens in Florida? 5 A Okay. Because each individual orchid, it 6 takes about two year to be -- to be flower. So they 7 grow those plants in Taiwan for one and a half year 8 and ship over to Florida. And it take us about six 9 months to finish to be able to sell the plant. 10 Q Six more months in the states? 11 A Yes. 12 Q And they get replanted here? Is that what 13 happens? What's the form of the orchids when they 14 came to the states? 15 A When they come, it's just the plant. We 16 sell the flower. It take six months to get the 17 flower, the plant. 18 Q But how are the plants packaged when they 19 come here? 20 A It's just the plant. I mean, we sell the 21 spike, we sell the flower. And it take special 22 treatment and also the temperature and fertilizer to 23 get the thing to come out with spike and flower. 24 Q So the initial process takes a year and a 25 half in Taiwan?</p>
<p style="text-align: center;">26</p> <p>1 A Yes. 2 Q Selling orchids? 3 A Yes. 4 Q Who makes the business decisions for 5 Golden Vision? 6 A You mean the annual sales? 7 Q No. Who makes the decisions in the 8 business when they have to be made? 9 A The big direction is made by my dad. 10 Q And other than this business that he has 11 in the United States, does he have any other 12 businesses elsewhere? 13 A In Taiwan. 14 Q What kind of business does he have in 15 Taiwan? 16 A Nursery business. 17 Q Could you be more specific? What type of 18 business? 19 A It's similar, like Golden Vision.</p>	<p style="text-align: center;">28</p> <p>1 A Yes, growing; starting from like baby 2 plant to the size when it's able to flower, it's 3 about a year and a half. 4 Q And what percentage of the plants in 5 Taiwan come -- come to your -- to Golden Vision 6 Flower here? 7 A About 90 percent. 8 Q And was that always the case, or did he 9 have another business before that? 10 A Before Golden Vision, the nursery in 11 Taiwan focused in the market in Japan. 12 Q Also orchids? 13 A Yes. They do orchids, but in -- different 14 type of orchids. 15 Q And when you formed the company here in 16 about 2003, you started sending production here, is 17 that what happened? 18 A Yes. And also the market in Japan, it's 19 going down too.</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

<p style="text-align: center;">29</p> <p>1 E-V-E-R-L-A-S-T-I-N-G, Flower, F-L-O-W-E-R, Farm, 2 F-A-R-M. 3 Q And that company is owned by your father? 4 A Yes. 5 Q And does Golden Vision Flower get orchids 6 by anybody else other than your father? 7 A Really small portion from local supplier. 8 Q But mostly from Taiwan? 9 A Yes. 10 Q And how are the goods shipped from Taiwan? 11 A They ship with the refrigerate (sic) 12 container. 13 Q By ship or air? 14 A Ship, yeah. 15 Q And where does the ship port? 16 A Sometime in Miami. Sometime in Los 17 Angeles. 18 Q In terms of gross sales per year, can you 19 give me an idea how big Golden Vision Flower is? 20 THE WITNESS: Do you have the number? 21 MR. DAWSON: If you recall, then you can 22 tell him. 23 THE WITNESS: I don't remember. But I 24 remember last year sales, since Golden Vision 25 is still pretty new to the state. And last</p>	<p style="text-align: center;">31</p> <p>1 grade; if it's A grade, B grade, C grade, then the 2 price range could be between 6 to \$10. And also 3 depends on the quantity. If people buy more, then 4 sometime we give a discount. 5 Q And generally who are you selling these 6 orchids to? 7 A Mostly it's the wholesale grower. 8 Q And what is a wholesale grower? 9 A Those are the people -- they have like 10 greenhouse where they can bought (sic) a number 11 between 500 to a thousand and put into their 12 greenhouse and distribute, like, locally. 13 Q And who typically do they distribute to? 14 A Mostly it's florists, like floral 15 designer. 16 Q Uh-huh. And generally who are their 17 customers? 18 A Those is their customers, those florists, 19 like a flower shop and like -- 20 Q But the florists, they're selling to the 21 end user? 22 A Yes. 23 Q So -- and what are the prices generally of 24 the orchids when they get to retail? 25 A End price?</p>
<p style="text-align: center;">30</p> <p>1 year annual sales was about a little bit over 2 2 million. 3 BY MR. SPRINGUT: 4 Q And generally what do you sell these 5 orchids at price-wise? 6 A It really depends the stage the customer 7 bought. Some people, they buy just the plant, then 8 the price will be different. And some people they 9 buy finished product. And even some people they buy 10 with some spike. So it's really difficult for me to 11 tell you. 12 Q So what are the range of the prices, 13 depending on what the -- 14 A Okay, the price range could be from \$6 to 15 \$10 per plant. 16 Q For what type of plant? 17 A Orchids. 18 Q Right, but what stage? 19 A Okay. If the plant is without spike, it's</p>	<p style="text-align: center;">32</p> <p>1 Q Yeah. 2 A Oh, the price can be varied. It depend on 3 the state. What I know in New York -- I have some 4 customers in New York 28th street, they can sell a 5 hundred dollars per plant. But they're -- sometimes 6 in Miami you can only get maybe \$20. So I have to 7 say it's varied by the location and the customers. 8 Q But anywhere from 20 to a hundred dollars 9 is not unusual? 10 A No. 11 MR. DAWSON: Care if we take a quick 12 break? 13 MR. SPRINGUT: Sure. 14 (Brief recess.) 15 BY MR. SPRINGUT: 16 Q What, if anything, have you done to 17 prepare for today's deposition in terms of reviewing 18 materials or files? 19 A The question that you asked me before, the</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

33

1 BY MR. SPRINGUT:

2 Q And when did you do that?

3 A Yesterday.

4 Q And where were you when you did that?

5 A Because I have no idea what you were going  
6 to ask me.

7 Q Were you in your office when you did that?

8 A Yes.

9 Q Did you do anything else to prepare for  
10 today?

11 A No.

12 Q You didn't review any other materials or  
13 files in this matter?14 A I don't think there's other material that  
15 I need to know or...16 Q Did you meet with your lawyer to prepare  
17 for this deposition?

18 A This morning.

19 Q And did -- did you review any materials in  
20 connection with that preparation?21 A No, just the question that you guys asked  
22 before.23 Q Were you ever asked to search your company  
24 files in connection with this proceeding?

25 A When I first got a letter from Atlas

34

1 Flowers about the company, then I -- I never heard  
2 about the company. Then I go on-line and check.

3 Q What did you find when you went on-line?

4 A I find a website. That's it.

5 Q And what was on the website?

6 A It's just regular company website; has  
7 company information.8 Q What did you understand that company to be  
9 doing?

10 A Sorry?

11 Q What did you understand that company to be  
12 doing?13 A It looks like it's cut flower business.  
14 Besides that, I -- I don't know.15 Q Do you understand what type of cut flowers  
16 they were selling?

17 A No. There's not lots of information.

18 Q Other than when you received a letter,  
19 have you ever been asked to search the company files

35

1 Q Who's responsible for maintaining the  
2 files of Golden Vision Flower?

3 A Are you saying the financial report?

4 Q Any of the files.

5 A Okay. We have accountant. They do that.

6 Q And who's the accountant?

7 A Dave Fong, D-A-V-E, Fong, F-O-N-G. I  
8 think it's PC -- PCA -- CPA. CPA.

9 Q And Mr. Fong is located where?

10 A In the -- Longwood; the city right next to  
11 Apopka.12 Q So he takes care of the financial records  
13 of the company?

14 A Yes.

15 Q And what about the other records that the  
16 company maintains?17 A Such like insurance, or what kind of  
18 records?

19 Q Sales records, purchase records.

20 A Oh, we have in the -- in the office.

21 Q And who's responsible for maintaining  
22 that?

23 A I do.

24 Q And did anyone ever ask you to search  
25 those files in connection with this proceeding?

36

1 A My lawyer asked me about the sales number  
2 before.

3 Q What else?

4 A Not in this case, no.

5 Q Some other case?

6 A No.

7 Q So tell us what Golden Vision does when  
8 the orchid materials come in from Taiwan and are  
9 received here. What's the process?10 A After we receive the container, the plant  
11 has to be recovered for a month before you can put  
12 it into the cooling greenhouse, because the nature  
13 of plant -- it's been in the container without light  
14 and water for more than a month. So it take  
15 additional months to be recovered. Once it's  
16 recovered, we grade the plant, like sellable,  
17 nonsellable. And sellable, then we put in the  
18 cooling house; wait for another five months to get  
19 the flower.

**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

<p style="text-align: center;">37</p> <p>1 to be included in that container?</p> <p>2 A It can be varied, depending on the size of</p> <p>3 plants that we bring in. If we bring bigger size</p> <p>4 plant, it can only fit about 22,000 per container.</p> <p>5 If we bring smaller pots, then we can fit close to</p> <p>6 50,000 per container.</p> <p>7 Q Let's talk about a typical sale of orchids</p> <p>8 by Golden Vision Flower. Do you participate in that</p> <p>9 activity?</p> <p>10 A Yes.</p> <p>11 Q Explain to us what you would do.</p> <p>12 A Well, I'm in charge of the sales team, so</p> <p>13 I do visiting with the customers, I receive the</p> <p>14 orders and prepare the trucking to go out, and</p> <p>15 checking with -- make sure the inventory that we</p> <p>16 have is -- constantly be able to fit with the order,</p> <p>17 and make sure when the customer receive the product,</p> <p>18 they are satisfied.</p> <p>19 Q Geographically, where are your customers</p> <p>20 located?</p> <p>21 A It's varied by the season. I would have</p> <p>22 to say about 60 percent is out of state, about</p> <p>23 40 percent is in Florida.</p> <p>24 Q And where out of state?</p> <p>25 A It can be Georgia, North Carolina, New</p>	<p style="text-align: center;">39</p> <p>1 A QuickBook.</p> <p>2 Q You said some of the sales go to Canada</p> <p>3 also?</p> <p>4 A Yes.</p> <p>5 Q Do you export any other -- to any other</p> <p>6 countries?</p> <p>7 A No.</p> <p>8 Q Does the company have price lists?</p> <p>9 A Yes, we do, but it sometime depends on the</p> <p>10 quantity the customer buy; we give the discount.</p> <p>11 Q Do you have catalogs?</p> <p>12 A Yes.</p> <p>13 Q What type of catalogs do you have?</p> <p>14 A It's really simple, like -- I would say</p> <p>15 it's more like a flyer or brochure. Like one-piece</p> <p>16 type of...</p> <p>17 Q Do you use any other documents in</p> <p>18 connection with selling?</p> <p>19 A I wasn't sure what -- what's your</p> <p>20 question? What kind of document?</p> <p>21 Q Anything else you use in connection with</p> <p>22 the selling process?</p> <p>23 A No.</p> <p>24 Q Now, you said for the last year, the --</p> <p>25 the company sales were about \$2 million?</p>
<p style="text-align: center;">38</p> <p>1 York, Chicago, Pennsylvania, and a little bit in</p> <p>2 Canada.</p> <p>3 Q And how do you ship the orchids to those</p> <p>4 out-of-state customers?</p> <p>5 A By truck. We have maybe 10 trucking</p> <p>6 companies that we've been working with. It depend</p> <p>7 on the location. Each trucking line, they have</p> <p>8 their certain way -- I mean, certain way of -- well,</p> <p>9 sorry. Each trucking company, they go to certain</p> <p>10 states only. So it depend on which customers. And</p> <p>11 then I arrange the trucking.</p> <p>12 Q And do you visit with the customers in</p> <p>13 their locations?</p> <p>14 A I try to visit them once a year. I went</p> <p>15 to their facility, and -- sometimes with my sisters.</p> <p>16 And we give them the tip about how to improve</p> <p>17 growing and also make sure the plant arriving (sic)</p> <p>18 safely.</p> <p>19 Q Now, when you generate a sale, what</p>	<p style="text-align: center;">40</p> <p>1 A Yes.</p> <p>2 Q How many different plants does that</p> <p>3 represent?</p> <p>4 A Majority, it's Phalenopsis, which is a</p> <p>5 type of orchids.</p> <p>6 THE COURT REPORTER: It's what?</p> <p>7 THE WITNESS: Phalenopsis,</p> <p>8 P-H-A-L-A-N-E (sic)... (Pause.)</p> <p>9 THE COURT REPORTER: That's fine.</p> <p>10 THE WITNESS: And sometimes it's Cattleya,</p> <p>11 also probably about 10 percent of the sales.</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q And altogether how many plants are we</p> <p>14 talking about?</p> <p>15 A I don't remember the number, but you might</p> <p>16 be able to get the number from (indicating).</p> <p>17 Q What do you think \$2 million in sales</p> <p>18 represents in plants?</p> <p>19 A Maybe somewhere close to 40,000 or four --</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)



<p style="text-align: center;">41</p> <p>1 MR. SPRINGUT: (Indicating.)</p> <p>2 (Requested portion of the record was read</p> <p>3 back by the court reporter.)</p> <p>4 THE WITNESS: Golden Vision Flower,</p> <p>5 Incorporate (sic). I don't think Golden Vision</p> <p>6 Flower Design. Oh, you mean the logo on</p> <p>7 design? Yes. Yes. Sorry.</p> <p>8 BY MR. SPRINGUT:</p> <p>9 Q Who -- when was that design conceived?</p> <p>10 A I think it's in 2003.</p> <p>11 Q And who conceived that mark?</p> <p>12 A My dad. He hire a lawyer and I think</p> <p>13 advertising local design company to do it in Taiwan.</p> <p>14 Q In Taiwan?</p> <p>15 A Yes.</p> <p>16 Q What was the derivation of the design?</p> <p>17 A I don't understand. What is (sic)</p> <p>18 derivation mean?</p> <p>19 Q Where did the design come from?</p> <p>20 A It's from -- well, I -- the company</p> <p>21 created several designs that my dad picked, and he</p> <p>22 picked that one.</p> <p>23 Q What were some of the designs that were</p> <p>24 offered?</p> <p>25 A I don't remember. You'll probably have to</p>	<p style="text-align: center;">43</p> <p>1 Q Did anybody search for it?</p> <p>2 A Of course, yeah. But most of the time</p> <p>3 it's my dad deal with the lawyer in Taiwan.</p> <p>4 Q Did someone -- did someone search your</p> <p>5 father's files for these documents?</p> <p>6 A It's -- I think it's the company who filed</p> <p>7 that for my dad, they did the search.</p> <p>8 Q Did anybody search your father's files in</p> <p>9 connection with this proceeding for these documents?</p> <p>10 A No.</p> <p>11 Q Was -- was a trademark search conducted?</p> <p>12 A Yes.</p> <p>13 Q By who?</p> <p>14 A My dad.</p> <p>15 Q And has that been produced?</p> <p>16 A I'm sorry, what has been produced?</p> <p>17 Q Trademark search.</p> <p>18 A I think they just search on-line.</p> <p>19 Q Do you know or are you guessing?</p> <p>20 A I asked the Fong (sic) -- I mean, I asked</p> <p>21 my dad about that. They said that -- then he asked</p> <p>22 the lawyer who applied the -- who -- who tried to</p> <p>23 have us register the trademark and they said they</p> <p>24 searched on-line before they did that. They didn't</p> <p>25 find...</p>
<p style="text-align: center;">42</p> <p>1 ask him.</p> <p>2 Q Where are the documents that show that?</p> <p>3 A I don't -- I don't remember.</p> <p>4 Q What was the name of the company that</p> <p>5 created these designs?</p> <p>6 A You'll probably have to ask my dad. At</p> <p>7 that time I wasn't working for the company. I don't</p> <p>8 know.</p> <p>9 Q Aside from your father, was anyone else</p> <p>10 involved in picking this design?</p> <p>11 A No, I think my dad, he make the -- the</p> <p>12 decision.</p> <p>13 Q When was it decided to proceed with the</p> <p>14 Golden Vision Flower and design mark?</p> <p>15 A I don't -- I don't know. I'm not sure.</p> <p>16 Q Your father would know?</p> <p>17 A Yes.</p> <p>18 Q Is there any documentation that reflects</p> <p>19 that?</p>	<p style="text-align: center;">44</p> <p>1 Q And your father told you this?</p> <p>2 A My dad, yes.</p> <p>3 Q When did he tell you this?</p> <p>4 A When I received the questions that you</p> <p>5 guys asked.</p> <p>6 Q Do you know exactly what the search that</p> <p>7 was run -- what it was?</p> <p>8 A I don't know. I didn't ask that detail.</p> <p>9 Q Did your father receive an opinion as to</p> <p>10 the availability of this mark?</p> <p>11 A I don't know.</p> <p>12 Q Did you look for such an opinion in your</p> <p>13 files?</p> <p>14 A No.</p> <p>15 Q Do you know if your father was aware of</p> <p>16 Atlas Flowers and its business before he caused the</p> <p>17 mark to be filed?</p> <p>18 A No, we have never heard about that</p> <p>19 company.</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

<p style="text-align: center;">45</p> <p>1 Q What did he say?</p> <p>2 A He said he never heard about this company.</p> <p>3 Q Who gave the instructions to the lawyer to</p> <p>4 file an application for this mark?</p> <p>5 A My dad.</p> <p>6 Q Have you filed any other applications for</p> <p>7 trademark?</p> <p>8 A I think that's the only one, but I'm not</p> <p>9 sure.</p> <p>10 Q Your father would know?</p> <p>11 A Yes.</p> <p>12 Q When did Golden Vision Flower first use</p> <p>13 the mark in the registration?</p> <p>14 A I don't know.</p> <p>15 Q Who would know?</p> <p>16 A I think my dad would know.</p> <p>17 Q Would you know how the mark was first used</p> <p>18 in connection with orchids?</p> <p>19 A I know we put out lots of ads in magazines</p> <p>20 when we start doing the sales. But before that,</p> <p>21 they were already using those connecting with sales.</p> <p>22 I mean, send it to the trade show, that I know, but</p> <p>23 when I -- I only know this, about 2005 they have --</p> <p>24 we put a lot of advertising.</p> <p>25 Q How else is the mark used aside from</p>	<p style="text-align: center;">47</p> <p>1 company logo, and the back has a little bit how you</p> <p>2 can take care of the plant, the one we hang on the</p> <p>3 plant when the plant ship out to the customers.</p> <p>4 Kind of like instruction on how to take care.</p> <p>5 Q And how does -- how does that get affixed</p> <p>6 to the plant?</p> <p>7 A No, because orchid, for most customers,</p> <p>8 they'll dedicate. So they like to have instruction</p> <p>9 how you can take care at home.</p> <p>10 Q And are the instructions associated with</p> <p>11 the plant or do they go separate or how does that</p> <p>12 work?</p> <p>13 A No, they associate with the -- well, it's</p> <p>14 special tag that has instruction about how to take</p> <p>15 the orchids -- I mean, that particular plant,</p> <p>16 orchids only.</p> <p>17 Q And how are these tags affixed to the</p> <p>18 plant?</p> <p>19 A It's kind of like a -- kind of like they</p> <p>20 have hook that you can hook on a plant.</p> <p>21 Q And where on the plant do you hook this?</p> <p>22 A On the stem.</p> <p>23 Q So you hook the tag on the stem?</p> <p>24 A Uh-huh.</p> <p>25 Q And that goes with the plant?</p>
<p style="text-align: center;">46</p> <p>1 advertising?</p> <p>2 A At the trade show?</p> <p>3 Q Anywhere.</p> <p>4 A I think it's at the trade show, they're</p> <p>5 handing lots of flyer (sic) out, and also when</p> <p>6 visiting potential customers in the beginning.</p> <p>7 Q What happened when you visited the</p> <p>8 customers in the beginning?</p> <p>9 A Well, you give them this company profile,</p> <p>10 and we have -- that has the company logo. And also</p> <p>11 like the bill that we've been paying, that has</p> <p>12 company emblem. They all have design on that.</p> <p>13 Q How else is the design used?</p> <p>14 A And also like fax that you -- like, I</p> <p>15 mean, the communication, the fax, the communication</p> <p>16 that you send to the customers or supplier, vendor,</p> <p>17 and E-mail.</p> <p>18 Q How else?</p> <p>19 A I think that's -- that's about it.</p>	<p style="text-align: center;">48</p> <p>1 A Yes.</p> <p>2 Q And it goes to the wholesaler?</p> <p>3 A Yes.</p> <p>4 Q And what happens to the tag then?</p> <p>5 A People, when they buy one, they like to</p> <p>6 read the instruction. It's kind of like a birth</p> <p>7 certificate.</p> <p>8 Q So the tag stays with the plant all the</p> <p>9 way to the purchaser?</p> <p>10 A Yes.</p> <p>11 Q And the tag has the registered mark on it?</p> <p>12 A I think so.</p> <p>13 Q When you say you think so, what do you</p> <p>14 mean?</p> <p>15 A I think it has the name, yes.</p> <p>16 Q Does that mean you're not sure?</p> <p>17 A I'm not sure.</p> <p>18 Q Who would know the answer to that</p> <p>19 question?</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

49

1 A Because that one cost more, and we just  
2 put simply -- just -- we changed the other design on  
3 the plant.

4 Q What other design?

5 A Just a regular plant tag that you see at  
6 the store, at like Home Depot.

7 Q That doesn't have the design on it?

8 A That one, no, it doesn't have design on  
9 it.

10 Q So the plant doesn't have a design  
11 associated with it when you sell it; is that right?

12 MR. DAWSON: Object to the form.

13 THE WITNESS: Yes.

14 BY MR. SPRINGUT:

15 Q The mark is not on the plant when you sell  
16 it?

17 A Because most the customers that we sell is  
18 wholesale grower; they want to make their own  
19 identifier, not our.

20 Q Are there any customers that you sell the  
21 plant to with the design associated with it?

22 MR. DAWSON: Object to the form.

23 THE WITNESS: No.

24 BY MR. SPRINGUT:

25 Q So today, is the mark being used at all in

50

1 connection with the sales of the -- the orchids?

2 A Indirect, because my wholesale customers,  
3 they know our plant. They will buy if the plant is  
4 from ours, instead of other growers, because they  
5 think our quality is better. But if you are talking  
6 about the package, they prefer us not to put our  
7 name direct, because maybe their end customers, they  
8 will go direct and buy it from us. They try to  
9 create their own package.

10 Q So if I understand correctly, the design  
11 which is registered --

12 A Uh-huh.

13 Q -- which is owned by Golden Vision  
14 Flower --

15 A Yes.

16 Q -- is not on the orchid or its packaging  
17 when it's sold to your customer, correct?

18 A No.

19 Q Other than advertising on flyers or maybe

51

1 that on the letter that we send out to the  
2 customers.

3 Q Anything else?

4 A We have that on the -- the list of  
5 organization that we join.

6 Q Uh-huh.

7 A Like nursery organization that we join.  
8 But other than that, no.

9 Q How many -- how much wholesale  
10 customers -- direct wholesale customers do you have,  
11 about?

12 A Maybe 30, 40.

13 Q Who on behalf of Golden Vision Flowers  
14 attends trade shows?

15 A Right now I am.

16 Q Just you?

17 A And my sister.

18 Q Which one?

19 A Two of us. Not that one (indicating), the  
20 other one, Yating.

21 Q And what trade shows have you attended?

22 A Several. For Florida we attend the one,  
23 TPIE. That's the biggest one in Florida. We also  
24 attend PANT, P-A-N-T (sic). That one is the biggest  
25 one in Pennsylvania. And we do the one in Texas

52

1 also, TNLA. That's one of the biggest ones in  
2 Texas. We used to do MANTS, the one in Maryland,  
3 but we didn't do it anymore.

4 And there is one, Super Floral Show, SFS;  
5 that's the one that always switch around locations,  
6 so -- that's the one more like a supermarket trade  
7 show.

8 Q And where does that take place?

9 A It's varied every year. I mean, I've been  
10 to the one in Houston. I've been to the one in Ohio  
11 and the one in Orlando also. They just keep  
12 switching the location.

13 Q Any other trade shows you've attended?

14 A That's so far that I attend. But if you  
15 ask in earlier stage, we attend like eight trade  
16 shows per year. So there's more, and then we keep  
17 cutting that off.

18 Q Which earlier trade shows did you attend?

19 A The one in Ohio, F -- OFA. That's the



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

53

1 A It's mostly when it's commercial wholesale  
2 trade show. Not particularly only for the orchids,  
3 but it's wholesale for all the nursery, like tree,  
4 annual, palm, or even greenhouse material. They  
5 have -- they all attend that show.  
6 Q Tell us again how you advertise.  
7 A How I advertise? In the beginning we do  
8 advertising on the orchids, one of -- I mean, out of  
9 the magazine. One of the most famous magazine for  
10 the orchid, it's AOS, American Orchid Society, that  
11 magazine. And then later on we do mostly  
12 advertising for the trade show.  
13 Q What magazines have you advertised in?  
14 A Now mostly it's those nursery member -- we  
15 do advertising on those nursery member book, which  
16 they hand it to like local people or local  
17 wholesale. They look at those to find the source.  
18 If they need to buy a certain plant, you can look at  
19 those (sic) book and then find --  
20 Q What's the name of that book?  
21 A There's no name for that book. But each  
22 state, they have different nursery organization.  
23 Like in Florida, there's one. In Texas, there's  
24 also another one. And Pennsylvania, there's one,  
25 too.

54

1 Q So you advertise in each of those?  
2 A Yes.  
3 Q Any place else?  
4 A No.  
5 Q Any other media besides magazines?  
6 A No. We don't do newspaper.  
7 MR. SPRINGUT: Let's go off the record.  
8 (Off the record.)  
9 (Petitioner's Exhibit Nos. 2 through 24  
10 marked for identification.)  
11 BY MR. SPRINGUT:  
12 Q Ms. Huang, let me show you what we've  
13 marked as Petitioner's Deposition Exhibit 2. Can  
14 you tell me what that is?  
15 A This is the magazine for American Orchid  
16 Society.  
17 Q Okay. There's some handwriting at the  
18 top. Do you see that?  
19 A Yeah. Advertising.

55

1 Q Is that accurate?  
2 A Yes.  
3 Q So turning to the second page, can you  
4 tell us what that is?  
5 A This is our advertising.  
6 Q And what am I looking at?  
7 A Golden Vision Flower.  
8 Q No, no, the various --  
9 A These is Phalaenopsis.  
10 Q These are all orchids?  
11 A Yes.  
12 Q Then there's a second page from another --  
13 from the February --  
14 A Another month.  
15 Q February 2005 issue? Is that what that  
16 is?  
17 A Yeah, this one -- the first one is  
18 November 2005. The second one is February 2005.  
19 It's the same --  
20 Q Same ad?  
21 A Same ads in different --  
22 Q Every month?  
23 A Yeah.  
24 Q Okay. Let me next show you what's been  
25 marked Petitioner's Deposition Exhibit Number 3.

56

1 Tell me what that is, please.  
2 A It's a brochure that we use for our trade  
3 show.  
4 Q And how do you use this?  
5 A We hand it together with the price sheet  
6 to the customers. And that's -- this is the cover  
7 page; flip it back, that's the page that --  
8 Q So this is a one-page flyer -- two-page  
9 flyer, right, back and front?  
10 A Yes.  
11 Q Turning to the back page, or the second  
12 page --  
13 A Uh-huh.  
14 Q -- it says, founded in 1986; is that  
15 accurate?  
16 A That's the year in Taiwan.  
17 Q But that wasn't Golden Vision, right?  
18 A No.  
19 Q It's not a company?



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

57

1 A Dendrobium, Oncidium, Paph- -- that's the  
2 top for orchids. "Zz" plant is the other type of  
3 plant. We don't do that anymore. We have that the  
4 first two years.

5 Q What is "zz" plant?

6 A It's -- it's -- lasts really long. Most  
7 people, they do it for decoration at the hotel. I  
8 don't know if you see those plants, but it's really  
9 hard for me to explain how that looks. It just last  
10 pretty long, and long minutes (sic).

11 Q Okay. Now, at the top -- if we go back to  
12 three, at the top it says, "no brochure," question  
13 mark?

14 A This is the oldest one (indicating).

15 Q This is the newest?

16 A Yes. This is probably the newest  
17 (indicating).

18 Q What's the timing of Plaintiff's (sic)  
19 Exhibit 3?

20 A This one (indicating)?

21 Q No, 3.

22 A This one we have probably since 2005.

23 Q Let me show you what we've -- let me show  
24 you what we've marked as Petitioner's 4. Can you  
25 tell me what that is?

58

1 A This is the brochure that we create for  
2 the market that people -- they just buy a plant or  
3 some really, really short spike without flowering.  
4 It's kind of like different markets. This is target  
5 for nursery grower.

6 Q Okay. At the bottom, I assume that's  
7 Chinese?

8 A Oh, yeah.

9 Q What does that say?

10 A They didn't take this out. This is --  
11 this is the sample for the DN (ph.). This -- this  
12 DN is for the sample, and it's just for like -- it's  
13 just for the -- like kind of like saying the  
14 availability, you still have to check with us. This  
15 is the images for the sample. Because on that day,  
16 specifying like how many months. But you can buy  
17 less than that or order (sic) than that. But then  
18 it won't fit into that category. You can still  
19 order.

59

1 Q Okay. But you don't use these anymore,  
2 haven't used these?

3 A We used to have this.

4 Q All right. When did you have these?

5 A About 2006. And now most customers that  
6 we deal is wholesale; they don't want us to put this  
7 because they have phone number they can contact  
8 direct.

9 Q When you say "this," you're talking about  
10 the Golden Vision Flowers Inc. --

11 A No, because this one, on the bottom  
12 (indicating), see there's a phone number?

13 Q Uh-huh.

14 A They don't want us to put this -- I mean,  
15 the phone number that their end user can order the  
16 competition, can buy direct from us. So they want  
17 us to create a care tip, only have the name for --  
18 well, they -- like maybe the name without the  
19 company phone number. So then we change to just  
20 regular care tip that you put on.

21 Q But you haven't used these since 2006?

22 A No, we -- since two thousand --

23 Q I can't understand you when you have your  
24 hand in front of your mouth.

25 A Oh.

60

1 Q Thanks.

2 A I'm -- 2007. We used this one for years  
3 -- for one year.

4 Q For what period of time did you use --

5 A We had this in 2006, and we stopped using  
6 this about 2007.

7 Q I don't understand.

8 A We have this one -- we create this in  
9 2006.

10 Q Right.

11 A And then we stopped using this in 2007.

12 Q When in 2007?

13 A When? I don't know. Just slowly...

14 Q Who -- who designed these tags for you?

15 A We have the company in Taiwan that  
16 designed this.

17 Q Do you have any documents that would show  
18 when you stopped using this?

19 A No.



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

61

1 what do you mean?

2 A Oh, at the -- at the show we put it on the  
3 plant that we decorate, but --

4 Q What's shown in Plaintiff's (sic) Exhibit  
5 5?

6 A This one, yeah.

7 Q Yes?

8 A Yes.

9 Q When was the last time you did that?

10 A PANT (sic) in August, the trade show PANT.

11 Q Okay. Now, what's the second page of  
12 Exhibit 5?

13 A This is the logo that's showing on the  
14 envelope, but with the pages -- the envelope that we  
15 mail out to the customers. And we have -- yeah,  
16 this is just the copy of the logo.

17 Q And what do you do with this logo? What  
18 does it have to do with the first page of Exhibit 5?

19 A No, I don't know why they put it together.

20 Q So they have nothing to do with each  
21 other?

22 A No.

23 Q Is the first page of Exhibit 5 the only  
24 tag that you've ever used like this?

25 A You mean like flower tag?

62

1 Q Yeah. This is the only --

2 A Now we only use the simple one.

3 Q Right, but in this format --

4 A Yeah.

5 Q -- this is the only one you've ever used?

6 A Yes.

7 Q Okay. Let me show you what's been marked  
8 as Petitioner's 6. Can you tell me what that is?

9 A This is the Super Floral Show, one of the  
10 shows that we went in Orlando.

11 Q So this shows you were an exhibitor?

12 A Yes.

13 Q Okay. Tell me what Petitioner's 7 is.

14 A This is the -- one of the pictures that I  
15 took at the show, how we display.

16 Q And you don't know whose handwriting this  
17 is?

18 A No, not mine.

19 THE WITNESS: Jeff, is it yours?

63

1 different trade show.

2 Q Okay. Let me show you Petitioner's 9.

3 A This is also one of the trade shows that  
4 we attend.

5 Q Let me show you Petitioner's -- let me  
6 show you Petitioner's 10. Can you tell me what that  
7 is.

8 A This is the biggest nursery organization  
9 booklet in Florida. It's called FNGLA, and we was a  
10 member.

11 Q Okay. Next is Petitioner's 11.

12 A This is the biggest nursery organization  
13 in Ohio, and we was a member of that.

14 Q Petitioner's 12?

15 A This is the nursery organization in  
16 Pennsylvania, and we're also a member of them.

17 Q Let me next show you Petitioner's 13.

18 A This is one of the picture that I took at  
19 the trade show.

20 Q Which one was this?

21 A I don't remember, but on the picture I  
22 took it's 2007. I have to go back and check.

23 Q Okay. Here's Petitioner's 14.

24 A This is another trade show, the Super  
25 Floral Show, and we had an exhibit.

64

1 Q Petitioner's 15?

2 A This is the TNLA, the one in Texas. We  
3 are an exhibit in this trade show as well in 2005.

4 Q Petitioner's 16 is this (indicating).

5 A This is one of the trade shows we attend.  
6 It says TPIE, 2005.

7 Q Petitioner's 17?

8 A This is that trade show in Boston, New  
9 England Growers, and we have exhibit in 2006.

10 Q Petitioner's 18?

11 A This is the member directory showing that  
12 we are a member of Pennsylvania Landscape and  
13 Nursery Association.

14 Q Petitioner 19?

15 A It shows we are a member of the Ohio  
16 Nursery in 2007.

17 Q Petitioner 20?

18 A This is the member for Pennsylvania  
19 Nursery Association in 2007.



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

65

1 Q Petitioner 23?

2 A Oh, this is the -- the trade show, TPIE,  
3 the biggest one in Florida. We are an exhibitor in  
4 2007.

5 Q And Petitioner's 24?

6 A This is the oldest brochure that we have.  
7 It's smaller. And now we use this when we mail out  
8 the information to the new customers.

9 MR. SPRINGUT: Let me ask the reporter to  
10 mark as Petitioner's 25 the document entitled  
11 "Answer and Affirmative Defenses."

12 (Petitioner's Exhibit No. 25 marked for  
13 identification.)

14 BY MR. DAWSON:

15 Q Have you seen, prior to today, this  
16 document which we marked as Petitioner's Exhibit 25?

17 A Yes.

18 Q Let me direct your attention to paragraph  
19 seven under the title "First Affirmative Defense."  
20 Do you see that?

21 A Yes.

22 Q It says: If petitioner has any rights in  
23 the mark Golden Flowers, such rights are narrow in  
24 scope, in view of the third-party uses and  
25 registrations directed to marks which include the

66

1 names "Golden" and "Flowers."

2 Can you tell me what that means?

3 MR. DAWSON: Don't speculate.

4 BY MR. SPRINGUT:

5 Q And you can speculate if you want.

6 MR. DAWSON: I'm telling you not to.

7 MR. SPRINGUT: You can't instruct her not  
8 to speculate.

9 MR. DAWSON: Well...

10 THE WITNESS: (Reviewing document.)

11 BY MR. SPRINGUT:

12 Q Can you identify any such third-party uses  
13 and registrations, Ms. Huang?

14 A For Golden Flower?

15 Q Yeah.

16 A No, we are Golden Vision Flower.

17 Q Do you have any third-party uses or  
18 registrations which include the names "Golden" and  
19 "Flowers"?

67

1 BY MR. SPRINGUT:

2 Q Ms. Huang, have you seen Petitioner's  
3 Exhibit 26, registrant's answers to interrogatories,  
4 before today?

5 A Yes.

6 Q So let me direct you first to  
7 interrogatory and answer marked number two.

8 A Yes.

9 Q It says that registrant first adopted  
10 registrant's mark in 2003. See that?

11 A Yes.

12 Q What documents do you have that  
13 substantiate that?

14 A 2003 is the year when my dad hired the  
15 company, the design company.

16 Q What documents do you have?

17 A What documents? Probably the invoice that  
18 they paid from the company.

19 Q Anything else?

20 A I'm not sure if we still have the E-mail  
21 or the letter.

22 Q Have you looked?

23 A Not completely. I do have the download of  
24 the logo that shows in 2003, but --

25 Q And have you produced that?

68

1 A That's the (indicating)...

2 Q What indicates it's 2003 on it?

3 A Our file; like backup file on the computer  
4 shows 2003.

5 Q Have you -- have you provided any  
6 substantiation of that?

7 A Showing the year, no.

8 Q Let me direct you to -- to interrogatory  
9 number three. What's the answer to that question?

10 A My dad and my mom.

11 Q Sorry?

12 A It's my dad.

13 Q He's the only one, right?

14 A Right now my mom is also on it.

15 Q Since when?

16 A I'm not sure.

17 Q What's her position?

18 A Financial.

19 Q Financial what?



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

<p style="text-align: center;">69</p> <p>1 mark. It says June 1, 2004?</p> <p>2 A Yes.</p> <p>3 Q What documentation do you have to</p> <p>4 substantiate that?</p> <p>5 A We print off on the trademark on-line, the</p> <p>6 trademark registration website.</p> <p>7 Q Aside from that, what original</p> <p>8 documentation do you have?</p> <p>9 A I have the documentation from the lawyer</p> <p>10 who help us apply the trademark.</p> <p>11 Q And what documentation is that?</p> <p>12 A The fax; it has the date.</p> <p>13 Q Has the date of what?</p> <p>14 A June 1, 2004.</p> <p>15 Q What are you referring to, the trademark</p> <p>16 office records?</p> <p>17 A I'm not sure. Yes.</p> <p>18 Q Other than that, do you have any</p> <p>19 documentation that substantiates when Golden Vision</p> <p>20 Flower made first use of its mark?</p> <p>21 A The letterhead design. I think we have</p> <p>22 that one.</p> <p>23 Q Have you produced that?</p> <p>24 A Yeah, we have that.</p> <p>25 Q Can you show me which document that is?</p>	<p style="text-align: center;">71</p> <p>1 A Yes.</p> <p>2 Q And those all are orchids?</p> <p>3 A Yes.</p> <p>4 Q Turning to interrogatory number ten, it</p> <p>5 asks for all searches conducted regarding Golden</p> <p>6 Vision Flower Design. Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And the answer is a full search and</p> <p>9 knock-out search. Have those been produced?</p> <p>10 A The lawyer in Taiwan do the on-line</p> <p>11 search.</p> <p>12 Q Have you produced that?</p> <p>13 A But how can you prove at the time they do</p> <p>14 on-line?</p> <p>15 Q All I'm asking you is, have you produced</p> <p>16 any documentation of this?</p> <p>17 A No.</p> <p>18 Q Does Golden Vision Flower use any</p> <p>19 trademarks or trade names that include the word</p> <p>20 "Golden," other than the registered mark?</p> <p>21 A I don't understand. We have Golden Vision</p> <p>22 Flower together.</p> <p>23 Q Right. But other than that, do you use</p> <p>24 any trademarks or trade names that incorporate the</p> <p>25 word "Golden" on it?</p>
<p style="text-align: center;">70</p> <p>1 A Not in here.</p> <p>2 Q Where have you produced it?</p> <p>3 A Oh. No.</p> <p>4 Q You haven't produced it?</p> <p>5 A No.</p> <p>6 MR. DAWSON: Are you representing that the</p> <p>7 documents you've shown her are all the</p> <p>8 documents that were produced?</p> <p>9 MR. SPRINGUT: I don't think I'm</p> <p>10 representing anything, Counsel. I asked her a</p> <p>11 question.</p> <p>12 MR. DAWSON: Well, you asked her about the</p> <p>13 stack of documents that's there, asked her to</p> <p>14 show it to you. I'm asking you if you're</p> <p>15 representing that all the documents here are --</p> <p>16 MR. SPRINGUT: I'm not being deposed,</p> <p>17 so --</p> <p>18 MR. DAWSON: I'm not saying you're being</p> <p>19 deposed.</p>	<p style="text-align: center;">72</p> <p>1 A No.</p> <p>2 Q Now, turning to interrogatory number 18,</p> <p>3 what packaging does Packaging Corporation of America</p> <p>4 and Pratt Industries provide to Golden Vision</p> <p>5 Flower?</p> <p>6 A The shipping package box.</p> <p>7 Q And have you produced a copy of that, a</p> <p>8 picture of that?</p> <p>9 A I didn't.</p> <p>10 Q Does that have the -- the Golden Vision</p> <p>11 Flower design mark on it?</p> <p>12 A No.</p> <p>13 Q Do they also produce the labeling for you?</p> <p>14 A No, we do our own label.</p> <p>15 Q And have you produced specimens of that</p> <p>16 label?</p> <p>17 A Yeah, we put it on the sticker -- I mean,</p> <p>18 we print it on the sticker, then put it on box.</p> <p>19 Q Right. But have you produced that in the</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)



<p style="text-align: center;">73</p> <p>1 Q Now, have you produced any documents that</p> <p>2 reflect the unit and/or volume sales of orchids?</p> <p>3 A No.</p> <p>4 MR. SPRINGUT: Let me ask the reporter to</p> <p>5 mark a two-page document as Petitioner's 27.</p> <p>6 (Petitioner's Exhibit No. 27 marked for</p> <p>7 identification.)</p> <p>8 BY MR. SPRINGUT:</p> <p>9 Q Let me show you what's been marked as</p> <p>10 Petitioner's 27. Do you understand that to be the</p> <p>11 mark owned by Golden Vision Flower, which is in</p> <p>12 connection with this proceeding?</p> <p>13 A Yes.</p> <p>14 Q You'll note that it says filing date</p> <p>15 June 1, 2004, right?</p> <p>16 A Yes.</p> <p>17 Q That's the application filing date. Do</p> <p>18 you understand that?</p> <p>19 A Yes.</p> <p>20 Q And the owner of record here is Richard</p> <p>21 Fichter. Do you know who that is?</p> <p>22 A No.</p> <p>23 Q Don't know who that is?</p> <p>24 A No.</p> <p>25 MR. SPRINGUT: Let me next have the</p>	<p style="text-align: center;">75</p> <p>1 29?</p> <p>2 A Yes.</p> <p>3 Q Do you understand that to be the statement</p> <p>4 of use filed in connection with Golden Vision</p> <p>5 Flower's application?</p> <p>6 A This is the first time that I've seen</p> <p>7 this.</p> <p>8 Q Okay. Now that you've gone through this,</p> <p>9 do you understand it to be the statement of use in</p> <p>10 connection with Golden Vision Flower's registration?</p> <p>11 A Yes.</p> <p>12 Q And if you turn to the third physical page</p> <p>13 of Exhibit 29, there's a signature there.</p> <p>14 A Uh-huh. That's my mom.</p> <p>15 Q And was your mother ever president of the</p> <p>16 company?</p> <p>17 A No.</p> <p>18 Q And turn to the next page, it says</p> <p>19 "specimen" at the top, and two -- appear to be two</p> <p>20 photos below?</p> <p>21 A Yes.</p> <p>22 Q Can you tell me what those photos are?</p> <p>23 A This looks like care tag.</p> <p>24 Q Sorry?</p> <p>25 A Looks like care tag.</p>
<p style="text-align: center;">74</p> <p>1 reporter mark as Petitioner's Exhibit 28 a</p> <p>2 six-page document.</p> <p>3 (Petitioner's Exhibit No. 28 marked for</p> <p>4 identification.)</p> <p>5 BY MR. SPRINGUT:</p> <p>6 Q Ms. Huang, are you familiar with</p> <p>7 Petitioner's Exhibit 28?</p> <p>8 A Yes.</p> <p>9 Q You understand that these are the</p> <p>10 documents submitted to the United States Patent and</p> <p>11 Trademark Office in connection with the filing of</p> <p>12 the subject registration, right?</p> <p>13 A Yes.</p> <p>14 Q And if you turn to the last page of the</p> <p>15 exhibit, it's signed by Li-Ying Chuang?</p> <p>16 A Uh-huh.</p> <p>17 Q And that's your mother?</p> <p>18 A That's my mother.</p> <p>19 MR. SPRINGUT: Okay. Next let me ask the</p>	<p style="text-align: center;">76</p> <p>1 Q And what are those tags?</p> <p>2 A I don't know. I'm not familiar.</p> <p>3 Q Who would be familiar with those tags?</p> <p>4 A My father.</p> <p>5 Q If you turn to the next page, is that just</p> <p>6 a better --</p> <p>7 A Picture.</p> <p>8 Q -- picture of those two tags?</p> <p>9 A Uh-huh.</p> <p>10 Q And how was that specific tag used in</p> <p>11 connection with the flower products sold by Golden</p> <p>12 Vision Flower?</p> <p>13 A This picture was taken in 2005. Well, at</p> <p>14 the time, this is probably the product line that we</p> <p>15 liked to carry. But now we just focus on the</p> <p>16 orchids so far.</p> <p>17 Q I'm not sure I understand what you mean.</p> <p>18 A Okay. This is taken by 2005, right? I</p> <p>19 think in the beginning we was planning to have more</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

<p style="text-align: center;">77</p> <p>1 mean?</p> <p>2 A Well --</p> <p>3 Q Not --</p> <p>4 A I don't know --</p> <p>5 Q You mean --</p> <p>6 A -- in the future.</p> <p>7 Q You mean not till today?</p> <p>8 A Yes.</p> <p>9 Q Maybe --</p> <p>10 A So far --</p> <p>11 Q Maybe in the future, is that what you</p> <p>12 mean?</p> <p>13 A Yes. So far we only have live orchids.</p> <p>14 Q Got it. But how was this tag actually</p> <p>15 used in connection with the business?</p> <p>16 A I don't know, 2005 maybe I wasn't -- I</p> <p>17 wasn't even here yet.</p> <p>18 Q You don't know how it was used? You've</p> <p>19 never seen this tag used in the business?</p> <p>20 A Not from what I -- not from what I know.</p> <p>21 Q Now, if you turn back to the second page</p> <p>22 of Exhibit 29, which says "Statement of Use" under</p> <p>23 37 CFR section 288 -- do you see that?</p> <p>24 A (Witness nods head.)</p> <p>25 Q And paragraph one says: Applicant has</p>	<p style="text-align: center;">79</p> <p>1 A And we already have website, and like</p> <p>2 regular communication with the customers,</p> <p>3 letterheads, that's it.</p> <p>4 Q That's it?</p> <p>5 A Yeah.</p> <p>6 Q Nothing else?</p> <p>7 A No, not in 2005.</p> <p>8 MR. SPRINGUT: Let me have the reporter</p> <p>9 mark a one-page document, Petitioner's 30.</p> <p>10 (Petitioner's Exhibit No. 30 marked for</p> <p>11 identification.)</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q Let me show you Petitioner's 30. Are you</p> <p>14 familiar with that?</p> <p>15 A Yes.</p> <p>16 Q And you understand that to be Golden</p> <p>17 Vision Flower's registration that's the subject</p> <p>18 matter of this proceeding, correct?</p> <p>19 A Yes.</p> <p>20 Q And when will your mother and father be</p> <p>21 coming to the states next?</p> <p>22 A I don't know yet. They -- depend on how</p> <p>23 busy they are in Taiwan.</p> <p>24 Q When was the last time they were here?</p> <p>25 A My mom only came here like two times per</p>
<p style="text-align: center;">78</p> <p>1 adopted and is using the mark in commerce in the</p> <p>2 United States on or in connection with each of the</p> <p>3 following, in accord with section 1(a) of the Lanham</p> <p>4 Act, as amended, 15 U.S.C. Section 1051(a). It goes</p> <p>5 on, cut flowers, dried flowers and live flowers;</p> <p>6 flower bulbs; flower seeds; live flowering plants,</p> <p>7 dried plants and live plants; grass and grass seeds;</p> <p>8 fresh herbs and raw herbs; live orchids.</p> <p>9 A Yes.</p> <p>10 Q That statement is not correct, right?</p> <p>11 A Right now we only have live orchids.</p> <p>12 Q And in 2005, did you have live orchids</p> <p>13 then?</p> <p>14 A Yes.</p> <p>15 Q Did you have any of the other items listed</p> <p>16 in paragraph one?</p> <p>17 A No.</p> <p>18 Q What documents do you have that show that</p> <p>19 Golden Vision Flower was using the subject</p>	<p style="text-align: center;">80</p> <p>1 year.</p> <p>2 Q When was the last time she was here?</p> <p>3 A Summer. This summer. I don't remember</p> <p>4 when.</p> <p>5 Q And your father?</p> <p>6 A He just left two weeks -- a week ago,</p> <p>7 right after Thanksgiving.</p> <p>8 Q And how long was he here?</p> <p>9 A Two weeks.</p> <p>10 MR. SPRINGUT: Let's take a short break.</p> <p>11 (Brief recess.)</p> <p>12 MR. SPRINGUT: Counsel, as we discussed</p> <p>13 during the break, there are a number of</p> <p>14 documents that we believe should have been</p> <p>15 produced, therefore I'm going to adjourn the</p> <p>16 deposition but not conclude it, you know,</p> <p>17 subject to those documents being produced. And</p> <p>18 we'll send you a letter in a couple of days.</p> <p>19 I've got to find which documents we think need</p>



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

81

1 So thank you, Ms. Huang.  
2 THE WITNESS: And they might require a  
3 translator.

4 MR. SPRINGUT: Yes, if they require a  
5 translator, I understand that.

6 MR. DAWSON: We'll reserve our right to  
7 read even if it's not concluded.

8 (Deposition was adjourned at 12:27 p.m.)

9 (Reading and signing of the deposition was  
10 reserved.)

83

## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA  
COUNTY OF ORANGE

4 I, STACY PACE, RPR, CSR, CRR, FPR, State of  
5 Florida at large, do hereby certify that the  
6 foregoing pages, numbered 1 through 81, inclusive,  
7 are a true and correct transcription of my shorthand  
8 notes of said deposition.

9 I further certify that I am not an attorney  
10 or counsel of any of the parties, nor am I a  
11 relative or employee of any attorney or counsel  
12 of parties connected with the action, nor am I  
13 financially interested in the action.

14 The foregoing certification of this  
15 transcript does not apply to any reproduction  
16 of the same by any means unless under the direct  
17 control and/or direction of the certifying  
18 reporter.

19 IN WITNESS WHEREOF, I have hereunto set my  
20 hand this 22nd day of December, 2009.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

82

## 1 CERTIFICATE OF OATH

2  
3 STATE OF FLORIDA  
COUNTY OF ORANGE

4 I, the undersigned authority, certify that  
5 SHIH WEN HUANG personally appeared before me  
6 on the 9th day of December, 2009, and was duly  
7 sworn.

8 WITNESS my hand and official seal this 22nd  
9 day of December, 2009.



10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

11 Stacy Pace, RPR, CSR, CRR, FPR  
12 Notary Public - State of Florida  
13 Commission No. DD 761417  
14 Expires: April 30, 2012

84

## 1 ERRATA SHEET

2 IN RE: ATLAS V. GOLDEN VISION  
3 DEPOSITION OF: SHIH WEN HUANG  
4 TAKEN: 12-9-09  
5 JOB# 132185

6 PAGE # LINE # CHANGE REASON



ESQUIRE  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
www.Orlando.EsquireCom.com

85

DATE: December 22, 2009  
TO: Shih Wen Huang  
c/o Jeffrey S. Dawson  
56 Fourth Street, NW  
Suite 100  
Orlando, Florida 32801

IN RE: ATLAS V. GOLDEN VISION

Please take notice that on December 9, 2009, you gave your deposition in the above-referenced matter. At that time you did not waive signature. It is now necessary that you read and sign your deposition should you still choose to do so.

Please call our Scheduling office at 800-211-DEPO to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at the Esquire office located nearest you.

If you do not read and sign the deposition within a reasonable time period, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of Court.

If you wish to waive your signature, sign your name in the blank at the bottom of this letter and return it to us.

Sincerely,

Stacy Pace, RPR, CSR, CRR, FPR  
Esquire Deposition Services

I do hereby waive my signature:

SHIH WEN HUANG

cc. via transcript: Milton Springut, Esquire



**ESQUIRE**  
an Alexander Gallo Company

Toll Free: 877-546-7676  
Facsimile: 407.426.7878

Suite 725  
200 East Robinson St  
Orlando, FL 32801  
[www.Orlando.EsquireCom.com](http://www.Orlando.EsquireCom.com)

# **NOTICE OF RELIANCE**

## **DOCUMENT 2**

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD</p> <p>In re: Registration No. 3,074,073</p> <p>ATLAS FLOWERS, INC. D/b/a GOLDEN FLOWERS</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">-against-</p> <p>GOLDEN VISION FLOWER, INC.,</p> <p style="text-align: center;">Registrant.</p> <p style="text-align: center;">DEPOSITION OF SHUN-CHI HUANG</p> <p style="text-align: center;">FRIDAY, MARCH 14, 2010 10:30 A.M. - 1:17 P.M. ESQUIRE DEPOSITION SERVICES 200 EAST ROBINSON STREET SUITE 725 ORLANDO, FLORIDA</p> <p>STENOGRAPHICALLY REPORTED BY: LAYLA F. DEGLER, FPR FLORIDA PROFESSIONAL REPORTER AND NOTARY PUBLIC</p> <p>ESQUIRE DEPOSITION SERVICES ORLANDO OFFICE - JOB #: 163709 PHONE NUMBER - (407)426-7676</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p style="text-align: right;">PAGE</p> <p>TESTIMONY OF:</p> <p style="padding-left: 40px;">SHUN-CHI HUANG</p> <p style="padding-left: 40px;">DIRECT EXAMINATION BY MR. SPRINGUT.....4</p> <p>CERTIFICATE OF OATH.....64</p> <p>CERTIFICATE OF REPORTER.....65</p> <p>ERRATA SHEET.....66</p> <p style="text-align: center;">- - -</p> <p style="text-align: center;">EXHIBITS MARKED</p> <p>PETITIONER'S:</p> <p>Exhibit 31.....NOTICE TO TAKE DEPOSITION.....7</p> <p>Exhibit 32A.....COLOR PHOTOCOPY ORCHIDS.....61</p> <p>Exhibit 32B.....COLOR PHOTOCOPY ORCHIDS.....61</p> <p>Exhibit 32C.....COLOR PHOTOCOPY ORCHIDS.....61</p> <p>Exhibit 32D.....COLOR PHOTOCOPY ORCHIDS.....61</p> <p>Exhibit 32E.....GOLDEN VISION FLOWER MARK.....61</p> <p>Exhibit 32F.....GOLDEN VISION FLOWER MARK.....61</p> <p>Exhibit 32G.....GOLDEN VISION FLOWER MARK.....61</p> <p style="text-align: center;">- - -</p> <p style="text-align: center;">Stipulations</p> <p style="padding-left: 40px;">It is hereby agreed and so stipulated by and</p> <p>between the parties hereto, through their respective</p> <p>counsel, that the reading and signing of the transcript</p> <p>are expressly reserved by the Deponent.</p>
<p style="text-align: center;">2</p> <p>1     Appearing for the Plaintiff:</p> <p>2     MILTON SPRINGUT, ESQUIRE</p> <p>3     Kalow &amp; Springut LLP</p> <p>4     488 Madison Avenue, 19th Floor</p> <p>5     New York, New York 10022</p> <p>6     T:212.813.1600</p> <p>7     E-MAIL: Ms@creativity-law.com</p> <p>8     </p> <p>9     Appearing for the Defendant:</p> <p>10    JEFFREY S. DAWSON, ESQUIRE</p> <p>11    56 4th Street NW</p> <p>12    Suite 100</p> <p>13    Winter Haven, Florida 33881</p> <p>14    T.863.293.9600</p> <p>15    E-Mail: Jdawson@jdawsonlaw.com</p> <p>16    </p> <p>17    ALSO PRESENT:</p> <p>18    Shih-Wen Huang</p> <p>19    </p> <p>20    </p> <p>21    </p> <p>22    </p> <p>23    </p> <p>24    </p> <p>25    </p>	<p style="text-align: center;">4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>Deposition taken before Layla F. Degler, Florida</p> <p>Professional Reporter and Notary Public in and for the</p> <p>State of Florida at Large, in the above cause.</p> <p style="text-align: center;">- - -</p> <p>WHEREUPON:</p> <p style="padding-left: 40px;">JUDY LIU,</p> <p>the interpreter, was sworn to truly and correctly</p> <p>translate English into Mandrin and Mandrin into English.</p> <p style="padding-left: 40px;">THE INTERPRETER: Yes.</p> <p style="padding-left: 40px;">THE COURT REPORTER: (Swears in witness</p> <p>through translator.)</p> <p>Thereupon,</p> <p style="padding-left: 40px;">SHUN-CHI HUANG</p> <p>having been duly sworn or affirmed, was examined and</p> <p>testified as follows:</p> <p style="padding-left: 40px;">THE INTERPRETER: (Translating): Yes.</p> <p style="text-align: center;">DIRECT EXAMINATION</p> <p>BY MR. SPRINGUT:</p> <p style="padding-left: 40px;">Q   Good morning, Mr. Huang.</p> <p style="padding-left: 40px;">A   Yes.</p> <p style="padding-left: 40px;">Q   My name is Milton Springut, and I am the</p> <p>lawyer for what we call the opposer in this proceeding.</p> <p>We're here today to ask you questions with regard to the</p> <p>subject matter of this proceeding.</p>

<p style="text-align: center;">5</p> <p>1 A Okay.</p> <p>2 Q I would like you to answer my questions</p> <p>3 completely and directly and to the best your</p> <p>4 recollection. I assume you received the briefing about</p> <p>5 the nature and the purpose of this proceeding?</p> <p>6 THE INTERPRETER: (Without translating): Can</p> <p>7 you rephrase it? Can you repeat the question?</p> <p>8 (Whereupon the court reporter read back the</p> <p>9 last question.)</p> <p>10 THE INTERPRETER: (Translates.)</p> <p>11 THE WITNESS: (In English): Yes.</p> <p>12 THE INTERPRETER: Yes.</p> <p>13 BY MR. SPRINGUT:</p> <p>14 Q Do you have any questions at this time?</p> <p>15 A No.</p> <p>16 Q One of the important things that you have to</p> <p>17 do here today is to verbalize your responses.</p> <p>18 A Yes.</p> <p>19 Q Because if you don't do that, the court</p> <p>20 reporter is going to have a very hard time taking down</p> <p>21 the shakes of your head or grunts on her machine.</p> <p>22 A I don't understand your question.</p> <p>23 Q It's not a question.</p> <p>24 So, will you give us verbal responses?</p> <p>25 A Yes.</p>	<p style="text-align: center;">7</p> <p>1 Q Okay.</p> <p>2 MR. DAWSON: Hey, Milton, I think this might</p> <p>3 be incomplete. I don't know if it's my copy --</p> <p>4 MR. SPRINGUT: Off the record.</p> <p>5 (Off record.)</p> <p>6 BY MR. SPRINGUT:</p> <p>7 Q Mr. Huang, what is your business address?</p> <p>8 A You mean the Taiwan or in the United States?</p> <p>9 Q Do you have more than one business address?</p> <p>10 A It -- the address is Apopka. The address</p> <p>11 that's the business.</p> <p>12 Q Do you have more than one business address?</p> <p>13 A The -- this is -- we use this address.</p> <p>14 Q No. What is your business address?</p> <p>15 A The Apopka -- this Apopka address.</p> <p>16 Q Do you have any other business addresses?</p> <p>17 A No.</p> <p>18 Q Where do you live?</p> <p>19 A It's in Apopka.</p> <p>20 Q I understand you live in Taiwan; is that</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q Okay. What is your business -- what is your</p> <p>24 residence address in Taiwan?</p> <p>25 A Taiwan is in Tainan City.</p>
<p style="text-align: center;">6</p> <p>1 Q Okay. Do you understand English?</p> <p>2 A I don't understand.</p> <p>3 Q Okay. If you don't understand my questions, I</p> <p>4 will be glad to repeat or rephrase them.</p> <p>5 A Yes.</p> <p>6 Q Similarly, if I don't understand your answers</p> <p>7 or they're incomplete, I'll ask you to explain.</p> <p>8 A I understand.</p> <p>9 Q Are you taking any medications?</p> <p>10 A No.</p> <p>11 Q Are you -- are you -- is there anything</p> <p>12 preventing you today from understanding my questions and</p> <p>13 fully responding to them?</p> <p>14 A No.</p> <p>15 Q Okay.</p> <p>16 MR. SPRINGUT: Let me have the reporter mark</p> <p>17 the Notice of Taking Depositions as Opposer's</p> <p>18 Deposition Exhibit 31.</p> <p>19 (Plaintiff's Exhibit Number 31 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. SPRINGUT:</p> <p>22 Q This deposition is being taken pursuant to the</p> <p>23 notice of Exhibit 31. Are you appearing here today</p> <p>24 pursuant to this Notice of Deposition?</p> <p>25 A Yes.</p>	<p style="text-align: center;">8</p> <p>1 Q What is your full business address?</p> <p>2 A You mean the business -- business or</p> <p>3 residence?</p> <p>4 Q Residence.</p> <p>5 A Tainan Shen - Tainan County, Kun, K-U-N,</p> <p>6 Ran -- R-A -- Kun Ran --</p> <p>7 SHIH-WEN HUANG: You don't know how to</p> <p>8 translate --</p> <p>9 THE INTERPRETER: (Without translating): No,</p> <p>10 I need you to tell me -- speak out louder.</p> <p>11 THE INTERPRETER: (Translating): Kun Ra</p> <p>12 county --</p> <p>13 THE INTERPRETER: (Without translating): I'm</p> <p>14 sorry, Kun Ra town.</p> <p>15 THE INTERPRETER: (Translating): Datong City,</p> <p>16 T-A-N -- Datong -- DA -- DAN -- Datong City, Chun,</p> <p>17 C-H-U-N, Chun Chen, C-H-E-N, South Road, Section 3</p> <p>18 95 -- Lane 95 and then Number 25. Yeah.</p> <p>19 BY MR. SPRINGUT:</p> <p>20 Q Okay. And what is your business address in</p> <p>21 Taiwan?</p> <p>22 A It's Thailand City, East -- East District, Don</p> <p>23 Men, D-O-N, Men, M-E-N, R-O -- Road 20 -- Lane 205 --</p> <p>24 209, Lane 209 and Number 5.</p> <p>25 Q How old are you?</p>

<p style="text-align: center;">9</p> <p>1 A This year?</p> <p>2 Q This year.</p> <p>3 A I was born in 1954.</p> <p>4 Q Where were you born?</p> <p>5 A Taiwan.</p> <p>6 Q Are you married?</p> <p>7 A Yes.</p> <p>8 Q What is the name of your wife?</p> <p>9 A Li-Ying Y-A -- okay -- it's -- last name is</p> <p>10 C-H-U-N-G [sic], first name L-I Y-I-N-G.</p> <p>11 Q Is she the young lady that is sitting right</p> <p>12 outside this room?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you have any children?</p> <p>15 A Yes.</p> <p>16 Q How many?</p> <p>17 A Total of four children. Four girls, five --</p> <p>18 one boy.</p> <p>19 Q What is the name of your business in Taiwan?</p> <p>20 A Chang Lung, C-H-A-N-G, L-U-N-G, Flower Shop.</p> <p>21 Q Chang Lung Flower Shop?</p> <p>22 THE INTERPRETER: (Without translating):</p> <p>23 Right.</p> <p>24 BY MR. SPRINGUT:</p> <p>25 Q And did you start that business?</p>	<p style="text-align: center;">11</p> <p>1 orchids?</p> <p>2 A Growing orchid, sales and buying.</p> <p>3 Q Of orchids?</p> <p>4 A Orchids. But also some fruits and vegetable</p> <p>5 related items.</p> <p>6 Q Any flowers other than orchids?</p> <p>7 A It has a some other plant and also some</p> <p>8 tomatoes.</p> <p>9 Q But those are not flowers, right?</p> <p>10 A Correct.</p> <p>11 Q So, the only flowers that you sell are</p> <p>12 orchids; is that correct?</p> <p>13 A Mainly it's orchid.</p> <p>14 Q What other flowers do you sell?</p> <p>15 A It's something like the flowers you</p> <p>16 decorate -- you use as decoration indoor, I sell that,</p> <p>17 too.</p> <p>18 Q Are those live flowers?</p> <p>19 A Yes.</p> <p>20 Q What type of flowers are those?</p> <p>21 A As only as the consumer -- meet the</p> <p>22 consumer -- there's a consumer demand we all sell.</p> <p>23 Q What other flowers besides orchids do you</p> <p>24 sell?</p> <p>25 A Um, it is something that has a special name,</p>
<p style="text-align: center;">10</p> <p>1 A Yes.</p> <p>2 Q When?</p> <p>3 A About -- I have about 12 years.</p> <p>4 Q And what did you do before you started that</p> <p>5 business?</p> <p>6 A I did some toy business.</p> <p>7 Q Prior to starting this business, did you have</p> <p>8 any experience working with flowers?</p> <p>9 A No.</p> <p>10 Q How did you gain experience in the flower</p> <p>11 business?</p> <p>12 A I find some speciality -- specialized experts.</p> <p>13 I hired some specialized experts and -- to run the</p> <p>14 business.</p> <p>15 Q What is the business of Chang Lung Flower</p> <p>16 Shop.</p> <p>17 A Is has a -- it -- it has an old kit it's like</p> <p>18 a -- it has a -- it is an entire orchid and also has a</p> <p>19 cutting -- cutting -- cutting ways of flowering. It</p> <p>20 also has a -- it also has a sprout, the flower sprout.</p> <p>21 And it also has some vegetables, fruit-related items.</p> <p>22 It has a -- it has a -- orchid has a butterflyed orchid</p> <p>23 and a vegetable type orchid and Goparhia orchid (ph).</p> <p>24 Q Okay. If I understand your answer -- and tell</p> <p>25 me if I am -- it's -- your in the business of growing</p>	<p style="text-align: center;">12</p> <p>1 it's like a fire -- it was -- it was fire female dragon.</p> <p>2 That's the name -- that's the name of -- of the flower,</p> <p>3 fire female dragon.</p> <p>4 Q Any other flowers?</p> <p>5 A It has something regard it's a leafs. The</p> <p>6 leafs -- the name called Lee, that kind of plant.</p> <p>7 Q Is that something else or is that a fire</p> <p>8 female dragon?</p> <p>9 A Some portions are not -- they are not flowers,</p> <p>10 they are green leafs plant.</p> <p>11 Q Live flowers?</p> <p>12 A Yes.</p> <p>13 Q What type of live flowers do you sell in</p> <p>14 addition to orchids and fire female dragons?</p> <p>15 A Okay. Because some -- some products we don't</p> <p>16 grow. We don't produce. We just purchase and then</p> <p>17 resell it.</p> <p>18 Q What are those products?</p> <p>19 A It's because every season -- different season</p> <p>20 has different type of flowers.</p> <p>21 Q What flowers do you produce other than</p> <p>22 orchids?</p> <p>23 A It's -- mainly it's orchid, but other than --</p> <p>24 I mentioned orchid, the fire female dragon, also some</p> <p>25 tomatoes, some sweet -- sweet squash.</p>



<p style="text-align: center;">13</p> <p>1 Q Anything else?</p> <p>2 A Mainly those we -- we -- we grow.</p> <p>3 Q Anything -- anything else?</p> <p>4 MR. SPRINGUT: Can you tell him it's important</p> <p>5 that he listens to the question and answers the</p> <p>6 question only. This process will go much faster if</p> <p>7 he does that. Okay?</p> <p>8 THE INTERPRETER: (Complies.)</p> <p>9 THE WITNESS: (Nods head.)</p> <p>10 BY MR. SPRINGUT:</p> <p>11 Q Okay. Other than orchids and fire</p> <p>12 female dragons, what other plants do you produce?</p> <p>13 A The factory produces those mentioned --</p> <p>14 mentioned, just those.</p> <p>15 Q Okay. And you told us you've been in business</p> <p>16 for 12 years?</p> <p>17 A Correct.</p> <p>18 Q Was the business any different 12 years ago</p> <p>19 than what you just finished describing for us today?</p> <p>20 A It's -- the difference is -- now is the</p> <p>21 business is larger and here we have a base of -- for --</p> <p>22 base of production and we have -- we -- we sell -- we</p> <p>23 sell the products.</p> <p>24 Q But 12 years ago you sold the same types of</p> <p>25 products?</p>	<p style="text-align: center;">15</p> <p>1 A The question is you mean only orchid or -- or</p> <p>2 other than orchid?</p> <p>3 Q Yes, that's the question.</p> <p>4 A Just earl -- mentioned earlier the Win Chin</p> <p>5 and Cattleya, and ShuFu orchid. Win Chin orchid,</p> <p>6 Cattlelea orchids and ShuFu orchid.</p> <p>7 Q And so only orchids?</p> <p>8 A During that time mainly it's orchid, correct.</p> <p>9 Q Anything else other than orchids did you</p> <p>10 produce?</p> <p>11 A You mean now?</p> <p>12 Q At any time in the last 12 years.</p> <p>13 A Other than orchid it has something is a print</p> <p>14 related, print, some prints.</p> <p>15 Q What are prints?</p> <p>16 THE COURT REPORTER: Are you saying plant?</p> <p>17 THE INTERPRETER: P-L-A-N-T.</p> <p>18 THE COURT REPORTER: Okay.</p> <p>19 MR. SPRINGUT: Plants.</p> <p>20 BY MR. SPRINGUT:</p> <p>21 Q What plants did you produce other than</p> <p>22 orchids?</p> <p>23 A Okay. The indoor plant is like Wa-try --</p> <p>24 Wa-try -- Wa-try plant, Gin shin plant (ph).</p> <p>25 THE INTERPRETER: (Without translating): This</p>
<p style="text-align: center;">14</p> <p>1 A More or less different. More or less. There</p> <p>2 are some different more or less.</p> <p>3 Q How is it different?</p> <p>4 A It's because it's according to the different</p> <p>5 season and according to the market that we have to</p> <p>6 adjust for the season and market changes.</p> <p>7 Q Twelve years ago, what products did you sell?</p> <p>8 A Twelve years ago we -- we sold called Win</p> <p>9 Chin -- Win Chin -- Win Chin orchid cutting flower --</p> <p>10 THE INTERPRETER: -- that's what he said --</p> <p>11 THE INTERPRETER: (Translating): -- that we</p> <p>12 sold this kind, but now this type Win Chin orchid</p> <p>13 cutting flower is getting less.</p> <p>14 BY MR. SPRINGUT:</p> <p>15 Q But you still sold orchids 12 years ago,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q Did you produce any other flowers when you</p> <p>19 started the business to today other than what you've</p> <p>20 told us already?</p> <p>21 A I don't understand your question.</p> <p>22 Q You told us today you said you produce orchids</p> <p>23 and fire female dragons. You told us 12 years ago you</p> <p>24 produced orchids. Have you produced anything else in</p> <p>25 this 12-year period?</p>	<p style="text-align: center;">16</p> <p>1 is related to bamboos. I can tell it's a bamboos,</p> <p>2 bamboos plant.</p> <p>3 THE COURT REPORTER: Are you saying</p> <p>4 that or is he --</p> <p>5 THE INTERPRETER: I am saying that. I am</p> <p>6 saying that, because just if I say Wa-try plant,</p> <p>7 when -- that -- then you -- you don't know what's</p> <p>8 the plant. It's a bamboos. Those are bamboos. I</p> <p>9 say that.</p> <p>10 MR. SPRINGUT: Okay.</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q What period of time did you produce bamboo</p> <p>13 plants?</p> <p>14 A We have doing this for about five, six years.</p> <p>15 Q Going back from today?</p> <p>16 A Yes.</p> <p>17 Q Anything else?</p> <p>18 A Mainly are those, these items.</p> <p>19 Q Anything else?</p> <p>20 A Now, recently we added a vegetables, fruits</p> <p>21 related.</p> <p>22 Q Talking about plants, any other plants?</p> <p>23 A The plant I mentioned earlier is something</p> <p>24 like tomatoes, vegetables, and sweet squash and some</p> <p>25 fruits also, some fruits.</p>

<p style="text-align: center;">17</p> <p>1 Q Fruits and vegetables?</p> <p>2 A Correct.</p> <p>3 Q No other plants?</p> <p>4 A Correct.</p> <p>5 Q Okay. Now, when you started the business 12</p> <p>6 years ago, generally, who were you selling plants to?</p> <p>7 A We sold to some wholesalers and some</p> <p>8 individual consumers.</p> <p>9 Q Located where?</p> <p>10 A The entire Taiwan.</p> <p>11 Q When did you first start selling plants</p> <p>12 outside of Taiwan?</p> <p>13 A We started ten years ago that we sold -- we</p> <p>14 sold outside of Taiwan ten years ago.</p> <p>15 Q So, about 2000?</p> <p>16 A Approximately, yes.</p> <p>17 Q And generally in the year 2000, to whom did</p> <p>18 you sell outside of Taiwan?</p> <p>19 A We sold to Japan area -- in the Japan area and</p> <p>20 also to the United States area.</p> <p>21 Q When did you first start selling to the United</p> <p>22 States?</p> <p>23 A The exact time I don't remember.</p> <p>24 Q Approximately.</p> <p>25 A About ten years ago, that period of time.</p>	<p style="text-align: center;">19</p> <p>1 bamboo that area related.</p> <p>2 Q So, orchids and bamboo?</p> <p>3 A Correct.</p> <p>4 Q Nothing else?</p> <p>5 A Mainly are this.</p> <p>6 Q Anything else?</p> <p>7 A Some are related like materials to grow the</p> <p>8 orchids and then we will -- we will help the -- the</p> <p>9 consumer -- we will help the merchant to look for</p> <p>10 those -- that -- that -- that materials that can grow</p> <p>11 the orchids.</p> <p>12 Q Any other plants besides orchids and bamboo?</p> <p>13 A We used to sell some vegetable fruit seeds but</p> <p>14 not a large quantity.</p> <p>15 Q Any other plants?</p> <p>16 A No.</p> <p>17 Q Okay. And when you started the Chang Lung</p> <p>18 Flower Shop 12 years ago, what was your position in the</p> <p>19 company?</p> <p>20 A Chang -- Chang Lung Flower Shops they are two</p> <p>21 parts, one is produce in the production, the farm -- a</p> <p>22 farm production one is sell -- sells abroad. I am in</p> <p>23 charge of the farm's production division.</p> <p>24 Q And you've been the head since you started the</p> <p>25 company?</p>
<p style="text-align: center;">18</p> <p>1 Q And to what type of people did you sell to in</p> <p>2 the United States?</p> <p>3 A I sold to that -- the -- who the person is</p> <p>4 doing the orchid business.</p> <p>5 Q Are those like wholesalers?</p> <p>6 A Okay. I sold to the person who -- who produce</p> <p>7 grow orchid.</p> <p>8 Q Growers?</p> <p>9 A Correct.</p> <p>10 Q And the company that was selling the orchids</p> <p>11 to the growers in the United States was Chang Lung</p> <p>12 Flower Shop, right?</p> <p>13 THE INTERPRETER: (Gestures.)</p> <p>14 MR. SPRINGUT: (Gestures.)</p> <p>15 (Whereupon the court reporter read back the last</p> <p>16 question.)</p> <p>17 THE INTERPRETER: (Translating): Correct.</p> <p>18 The early years, yes.</p> <p>19 BY MR. SPRINGUT:</p> <p>20 Q How long did that continue that way?</p> <p>21 A Continues still up to today.</p> <p>22 Q Today. And what plants have you sold to</p> <p>23 growers in the United States since approximately 2000?</p> <p>24 A Mainly are the orchids and then also one lady</p> <p>25 plant -- it's just -- it's -- it's bamboo, that kind of</p>	<p style="text-align: center;">20</p> <p>1 A Yes.</p> <p>2 Q And who is in charge of the part of the</p> <p>3 business that sells?</p> <p>4 A Ms. Chuong, my wife.</p> <p>5 Q Who are the officers of this company?</p> <p>6 A We have some -- some -- some employees they</p> <p>7 are in the production area. And also, is some -- some</p> <p>8 is -- is a personnel, it's a staffs, they are staffs.</p> <p>9 Q Okay. Move to strike as nonresponsive.</p> <p>10 Please listen to the question and answer the question</p> <p>11 that you're asked.</p> <p>12 Who are the officers of the company?</p> <p>13 A You mean your question is asking all</p> <p>14 administrative?</p> <p>15 Q Does he know what an officer is?</p> <p>16 A Yes.</p> <p>17 Q Who are the officers of the company?</p> <p>18 A Officers, of course, is Ms. Chuong, me, and</p> <p>19 several other employees.</p> <p>20 Q What are your respective titles?</p> <p>21 A I'm the chairman.</p> <p>22 Q His wife?</p> <p>23 A We just -- I just mentioned there are two</p> <p>24 parts. The export that -- that the -- the chief -- the</p> <p>25 chairman -- the chief is in charge is Ms. Chuong, and</p>

<p style="text-align: center;">21</p> <p>1 then I -- belong to -- I'm in the farm production.</p> <p>2 Q Move to the strike as nonresponsive.</p> <p>3 Please translate that.</p> <p>4 What is your wife's title in the company?</p> <p>5 MR. DAWSON: Hang on a second. I want</p> <p>6 to put something on the --</p> <p>7 MR. SPRINGUT: Wait, hold on --</p> <p>8 MR. DAWSON: -- these -- these questions from</p> <p>9 you, from what my corporate rep tells me, are not</p> <p>10 being properly translated and it's being impeded to</p> <p>11 the deponent, so --</p> <p>12 MR. SPRINGUT: Okay.</p> <p>13 THE INTERPRETER: (Translating): My wife</p> <p>14 in -- in the farm production, this area she is in</p> <p>15 charge of accounting finance.</p> <p>16 BY MR. SPRINGUT:</p> <p>17 Q Does she have a title?</p> <p>18 A She doesn't have title. She is in charge of</p> <p>19 the --</p> <p>20 Q Are there any other members of his family that</p> <p>21 are officers of Chang Lung Flower Shop?</p> <p>22 A No.</p> <p>23 Q Okay. Are you familiar with a company called</p> <p>24 Golden Vision Flower?</p> <p>25 A When I -- when I came to -- we came to</p>	<p style="text-align: center;">23</p> <p>1 Q Who are the officers of this company today?</p> <p>2 A Officer?</p> <p>3 Q (Nods head.)</p> <p>4 A The main way we came -- we came to the United</p> <p>5 States from Taiwan we have a language deficiency, so our</p> <p>6 mainly the purpose -- our -- we mainly doing production.</p> <p>7 Q Move to strike as nonresponsive.</p> <p>8 Who are the officers of this company today?</p> <p>9 A We only find some Mexicans work -- work</p> <p>10 there.</p> <p>11 MR. DAWSON: Can we go off the record for a</p> <p>12 second?</p> <p>13 MR. SPRINGUT: Sure.</p> <p>14 (Off record.)</p> <p>15 BY MR. SPRINGUT:</p> <p>16 Q Today who is the president of the company?</p> <p>17 A Me, I am.</p> <p>18 Q Who is the vice president?</p> <p>19 A Nobody.</p> <p>20 Q Secretary?</p> <p>21 A Secretary originally is -- is -- was my -- is</p> <p>22 my wife.</p> <p>23 Q Is there anyone else at the company today who</p> <p>24 has a title like president, vice president, secretary,</p> <p>25 treasurer?</p>
<p style="text-align: center;">22</p> <p>1 America, I or we, came to America then we apply, then we</p> <p>2 just knew this -- this company.</p> <p>3 Q Do you have a position with Golden Vision</p> <p>4 Flower?</p> <p>5 A I am the president. I am the investor of this</p> <p>6 company. I am in charge of this company.</p> <p>7 Q When you say you're in charge, do you have a</p> <p>8 title with this company?</p> <p>9 A My official title in this company is CEO.</p> <p>10 Q Have you been the CEO since the company was</p> <p>11 formed?</p> <p>12 A Yes.</p> <p>13 Q And were you the person that formed this</p> <p>14 company?</p> <p>15 A Yes.</p> <p>16 Q Who are the other officers of this company</p> <p>17 when you formed it?</p> <p>18 A In the beginning, me and my wife. In the</p> <p>19 beginning we used this -- the -- Chang Lung Flower Shop</p> <p>20 that the investment as a base we formed this company.</p> <p>21 Q What was your wife's title in the beginning?</p> <p>22 A She is simply just an investor. The status is</p> <p>23 just an investor.</p> <p>24 Q Is she an officer of this company?</p> <p>25 A No. She spend most of time in Taiwan.</p>	<p style="text-align: center;">24</p> <p>1 A So, far it's only I has a title to work</p> <p>2 outside.</p> <p>3 Q Has that been true since the company was</p> <p>4 started?</p> <p>5 A Yes.</p> <p>6 Q Who are the shareholders of the company?</p> <p>7 A Shareholders are me, the couple, and five</p> <p>8 children.</p> <p>9 Q And how much do you own?</p> <p>10 A You only ask me how much do I own or you ask</p> <p>11 the entire family how much do we own?</p> <p>12 Q He.</p> <p>13 A I forgot how many percentage I own. But I</p> <p>14 just knew that 100 -- we -- our entire family owns 100</p> <p>15 percent.</p> <p>16 Q So, he doesn't know who owns the specific</p> <p>17 amounts?</p> <p>18 A Correct. I didn't -- I -- I don't have this</p> <p>19 specific.</p> <p>20 Q Who has this information?</p> <p>21 A I can go to ask the -- the accounting</p> <p>22 department. The accountant, I can ask the accountant</p> <p>23 Q What accountant would you ask?</p> <p>24 A You mean the accountant?</p> <p>25 Q Uh-huh.</p>

<p style="text-align: center;">25</p> <p>1 A Um, I always -- that my daughter who contact</p> <p>2 with the accountant.</p> <p>3 Q Who is the accountant?</p> <p>4 A Accountant, I don't know. It is all Amy</p> <p>5 handles this.</p> <p>6 Q When you started Golden Vision Flowers, what</p> <p>7 were your responsibilities?</p> <p>8 A Starting from the purchase the land, how to</p> <p>9 arrange, and then -- and to production, that -- I</p> <p>10 manage -- I all -- I manage it.</p> <p>11 Q How many employees did you have when you</p> <p>12 started the company?</p> <p>13 A About ten.</p> <p>14 Q And what did they do?</p> <p>15 A Starting from grow -- manage the land and</p> <p>16 have -- plant greenhouse, everything we start from the</p> <p>17 scratch.</p> <p>18 Q Did they all report to you?</p> <p>19 A Correct.</p> <p>20 Q Where were these employees located?</p> <p>21 A We found these employees in the local -- local</p> <p>22 U.S. -- local area in the United States.</p> <p>23 Q And where do they work?</p> <p>24 A It's in the Apopka, this factory area.</p> <p>25 Q Is that still the case today?</p>	<p style="text-align: center;">27</p> <p>1 THE INTERPRETER: (Without translating):</p> <p>2 Problem.</p> <p>3 THE COURT REPORTER: What kind of problem is</p> <p>4 this.</p> <p>5 THE INTERPRETER: What's the matter, that's</p> <p>6 what he -- that --</p> <p>7 BY MR. SPRINGUT:</p> <p>8 Q You understand that that's the registration</p> <p>9 that the company has, correct?</p> <p>10 A This is we have hired attorney to register</p> <p>11 this company, so what -- what's the problem?</p> <p>12 Q Who hired the attorney?</p> <p>13 A It's when we came to -- we came to United</p> <p>14 States from Taiwan. We -- first step we did the</p> <p>15 registration, and then the second step we go to the</p> <p>16 local to find someone, and the third we -- we did the</p> <p>17 registration.</p> <p>18 Q Who did the registration?</p> <p>19 A Decision is I made it, but how to do the</p> <p>20 registration my wife did it.</p> <p>21 Q Can you explain that, please?</p> <p>22 A Explain what?</p> <p>23 Q Explain your last answer.</p> <p>24 A In the beginning when we established this</p> <p>25 company then we go to find someone in the local. During</p>
<p style="text-align: center;">26</p> <p>1 A Yes.</p> <p>2 Q And what are your responsibilities today in</p> <p>3 connection with Golden Vision Flower?</p> <p>4 A I -- my responsibilities in the management</p> <p>5 that have -- the -- the management -- the entire</p> <p>6 company's managements?</p> <p>7 Q Are you the person in charge today?</p> <p>8 THE INTERPRETER: (Gestures.)</p> <p>9 MR. SPRINGUT: (Gestures.)</p> <p>10 (Whereupon the court reporter read back the last</p> <p>11 question.)</p> <p>12 THE INTERPRETER: (Translating): Yes.</p> <p>13 BY MR. SPRINGUT:</p> <p>14 Q And you understand that this proceeding</p> <p>15 that we're here on today involves the registered</p> <p>16 trademark Golden Vision Flower and Design, right?</p> <p>17 A Correct.</p> <p>18 Q And you understand that the case involves the</p> <p>19 registration of what we previously marked as Plaintiff's</p> <p>20 Exhibit 30, which I'm going to show you?</p> <p>21 A What kind -- what kind of problem is this?</p> <p>22 Q What kind of what?</p> <p>23 THE INTERPRETER: (Without translating): What</p> <p>24 kind of problem is this?</p> <p>25 THE COURT REPORTER: Problem.</p>	<p style="text-align: center;">28</p> <p>1 that time we went through the attorney in Taiwan and</p> <p>2 then registered in the United States.</p> <p>3 Q What attorney in Taiwan?</p> <p>4 A The details is my wife handle this, so she --</p> <p>5 she knows better.</p> <p>6 Q What do you know?</p> <p>7 A The design I participated. And then this</p> <p>8 registration we don't -- we -- of course, we -- it's</p> <p>9 not -- we don't know, so my wife went to find attorney</p> <p>10 to do the registration.</p> <p>11 Q What attorney?</p> <p>12 A It's a -- it's a attorneys that they</p> <p>13 specialize in registration in Taiwan.</p> <p>14 Q What is the name of the attorney?</p> <p>15 A That my wife knows it better. I -- I'm not so</p> <p>16 familiar with it.</p> <p>17 Q Do you know or not know?</p> <p>18 A I am not so familiar.</p> <p>19 Q Mr. Huang, we're -- we're not proceeding in</p> <p>20 this case because you are not responding to the</p> <p>21 questions. What is the name of the attorney? Do you</p> <p>22 know?</p> <p>23 A I don't know.</p> <p>24 Q But your wife knows, right?</p> <p>25 A Yes. This you -- you can find out.</p>

<p style="text-align: center;">29</p> <p>1 There's -- there's a case there you can find out.</p> <p>2 Q When did your company, Golden Vision Flower,</p> <p>3 first use the mark that is shown on Plaintiff's Exhibit</p> <p>4 30?</p> <p>5 A In Taiwan when we received the permit then</p> <p>6 we -- we start to -- in -- we came to America -- we came</p> <p>7 to America in 2003 then we start to use it 2004.</p> <p>8 Q When in 2004?</p> <p>9 A Specific time in 2004, I don't have a</p> <p>10 recollection, but I know it's in 2004 that formally we</p> <p>11 start to use. And in 2003 we don't spend a lot of time</p> <p>12 in the United States.</p> <p>13 Q Who would know when, exactly, your company</p> <p>14 started using the mark shown in Plaintiff's Exhibit 30?</p> <p>15 A We didn't record a time, a specific time.</p> <p>16 It's when we came to United States in 2004, we started</p> <p>17 to use this trademark this -- this I'm quite sure.</p> <p>18 Q Move to strike as nonresponsive.</p> <p>19 I'm going to ask the reporter to reread the</p> <p>20 question and for you to retranslate it.</p> <p>21 THE COURT REPORTER: One second.</p> <p>22 (Whereupon the court reporter read back the last</p> <p>23 question.)</p> <p>24 THE INTERPRETER: (Translating): It -- it</p> <p>25 starting -- when it started in 2004. I am the one</p>	<p style="text-align: center;">31</p> <p>1 it is a very simple process, when we received the</p> <p>2 registration permit then we start to use it.</p> <p>3 Q Could you explain what you just said?</p> <p>4 A Is it -- it's just when we hired attorney for</p> <p>5 the registration, and then the registration approved</p> <p>6 from attorney. Then the attorney told us that</p> <p>7 registration was approved. Then we start use it.</p> <p>8 Q How did you start to use it?</p> <p>9 A It's when in the beginning we tried to help --</p> <p>10 establish the letters, the company's letters, the</p> <p>11 company's envelope. Then it start to show up, that</p> <p>12 mark, the trademark.</p> <p>13 Q So, you use it on letters?</p> <p>14 A It is from letter -- the company's letter, the</p> <p>15 company's envelope. And then the product local, and the</p> <p>16 document -- the communication of document it start to</p> <p>17 show up.</p> <p>18 Q Let me see if I understand, the mark that is</p> <p>19 shown in Plaintiff's Exhibit 30 before you, you use that</p> <p>20 on letters?</p> <p>21 A Yes.</p> <p>22 Q And you use the mark on Plaintiff's Exhibit 30</p> <p>23 on envelopes, correct?</p> <p>24 A Yes.</p> <p>25 Q What else?</p>
<p style="text-align: center;">30</p> <p>1 running -- I am the one in charge in running this</p> <p>2 matter, but how can I remember the specific month,</p> <p>3 the specific date? That was some time ago.</p> <p>4 BY MR. SPRINGUT:</p> <p>5 Q So, there is no one else besides you who would</p> <p>6 know the answer to that question, correct?</p> <p>7 A It is I understand the most. I know the most</p> <p>8 because I -- I -- I am in -- I am -- I managed entire</p> <p>9 process.</p> <p>10 Q What documents does the company have that</p> <p>11 would show when the mark of Plaintiff's Exhibit 30 was</p> <p>12 first used?</p> <p>13 A There is no specific time. When you start it</p> <p>14 you have a -- it's in a -- you have to start to have</p> <p>15 envelope, you start with S and let -- and et cetera.</p> <p>16 It's gradually it -- it would show that there is no</p> <p>17 specific time to say that.</p> <p>18 It's only -- it -- it -- towards -- it only</p> <p>19 shows the time is when you have S outside and then that</p> <p>20 will show the time, but if you started inside, then</p> <p>21 there's no specific time.</p> <p>22 Q Mr. Huang, what documents do you have that</p> <p>23 show the first time the mark in Plaintiff's Exhibit 30</p> <p>24 was used by your company?</p> <p>25 A No. In the beginning it was a very -- we --</p>	<p style="text-align: center;">32</p> <p>1 A It also the pamphlets, the S, commercial</p> <p>2 pamphlet gradually we use that.</p> <p>3 Q Please explain what commercial pamphlets are.</p> <p>4 A We have a commercial -- we have S in</p> <p>5 orchids -- orchids things.</p> <p>6 THE COURT REPORTER: I didn't get that, I'm</p> <p>7 sorry.</p> <p>8 THE INTERPRETER: (Without translating): We</p> <p>9 have S advertisement in orchid magazine -- magazine</p> <p>10 the name Orchids.</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q So, commercial pamphlets means advertisements?</p> <p>13 A That commercial S has company's logo and the</p> <p>14 company's name.</p> <p>15 Q When you say "commercial pamphlets" are you</p> <p>16 talking about ads in magazines?</p> <p>17 A Yes.</p> <p>18 Q Okay. What else?</p> <p>19 A Also we were toward consumers pamphlet, it</p> <p>20 also shows up this logo -- logo.</p> <p>21 Q What are consumer pamphlets?</p> <p>22 A We have some materials that distribute to the</p> <p>23 consumers that the information it has the company's</p> <p>24 logo, the mark.</p> <p>25 Q Explain this consumer information.</p>

<p style="text-align: center;">33</p> <p>1 A It's every year we would have a -- we would 2 print it, that -- the -- the materials that has the 3 flowers information and company's information to the 4 consumers. 5 Q And how is that distributed to the consumer? 6 A Majority of time is through the flower's -- 7 flower's exhibit that the -- we distribute to the -- to 8 the consumers -- customers. 9 THE INTERPRETER: (Without translating): 10 E -- just -- just like that. 11 THE COURT REPORTER: Exhibit? 12 THE INTERPRETER: (Without translating): 13 Exhibit. 14 BY MR. SPRINGUT: 15 Q What is a flower exhibit? 16 THE INTERPRETER: (Without translating): 17 Flower show. Flower show. There's a show -- the 18 flower show. 19 BY MR. SPRINGUT: 20 Q You give it out at shows? 21 A Yes. 22 Q So, people come to the booth and you hand them 23 the literature? 24 A Yes. 25 Q Okay. How else do you use the mark shown in</p>	<p style="text-align: center;">35</p> <p>1 A Such as we have one single stem of orchid and 2 we would have this card attached with -- goes with it, 3 the stem of the flower. 4 Q Okay. Other than orchids, what other 5 merchandise? 6 A We use that most in orchids. 7 Q What else did you use it in? 8 A Other situations only when we have like a 9 cases that we wrap, wrap the cases and we would use 10 that. 11 Q Cases of what? 12 A The paper -- paper -- paper case, the paper 13 case carton -- cartons. 14 MR. SPRINGUT: (Gestures.) 15 THE COURT REPORTER: Cartons. 16 BY MR. SPRINGUT: 17 Q Cartons. Cartons for what? 18 A Because sometimes you want to transport and 19 then you put -- put merchandise inside the carton. And 20 then you have to -- 21 Q What merchandise do you put in the carton? 22 A Sometimes that's something you need for long 23 distance transportation, you need to put into the 24 carton. 25 Q Mr. Huang, please answer the question. What</p>
<p style="text-align: center;">34</p> <p>1 Plaintiff's Exhibit 30? 2 A When we export the -- or we sell -- we sell 3 the prod -- we sell the flowers, we would hang in the 4 small cart along with the merchandise, the small cart, 5 hang alone with the merchandise that we would show this. 6 And also that companies -- when the -- the companies 7 introduction or -- or that describe how do you care for 8 the flowers, that kind of information we will show that. 9 Q And describe the small card. 10 A It was -- it was -- it's -- the card has a -- 11 it -- it depends on the different season, and from -- 12 and we have this -- the card sometimes such as we had 13 the shape of orchid. And it was -- it -- when we sell 14 the merchandise it has that and it different. It -- it 15 sometimes it's different, it has a different shape. 16 MR. SPRINGUT: Can I have that read back, 17 please? 18 THE COURT REPORTER: Yes. 19 (Whereupon the court reporter read back the last 20 answer.) 21 BY MR. SPRINGUT: 22 Q And how is the card used? 23 A It just -- that card attached goes along with 24 that merchandise to the consumers. 25 Q What merchandise are you talking about?</p>	<p style="text-align: center;">36</p> <p>1 merchandise? 2 A Sometimes it's like -- something like flowers, 3 sprouts that you have to put into the carton and then 4 for the transportation. 5 Q What flowers? 6 A Orchid most of time. 7 Q Other than orchids, what flowers? 8 A Such as other -- I mentioned earlier Wan Lay 9 bamboo plant you need to put in the carton. 10 MR. SPRINGUT: What? 11 THE INTERPRETER: (Without translating): The 12 bamboo plants that you have to put in the cartons. 13 BY MR. SPRINGUT: 14 Q Have you used the mark shown in Plaintiff's 15 Exhibit 30 in connection with bamboo with plants? 16 A If you -- if only single bamboo then you are 17 not -- the one lay print, you are not going to see it, 18 but of you put entire into the carton then you -- they 19 will have the mark. 20 Q Move to strike. 21 Translate that. 22 THE INTERPRETER: (Complies.) 23 BY MR. SPRINGUT: 24 Q What flowers or plants have you used in these 25 cartons that bear the mark of Plaintiff's Exhibit 30</p>

<p style="text-align: center;">37</p> <p>1 other than orchids?</p> <p>2 A Whenever you need to sell and you need to</p> <p>3 package -- you need to do packaging, then you would use</p> <p>4 that.</p> <p>5 Q Move to strike.</p> <p>6 Translate it.</p> <p>7 THE INTERPRETER: (Complies.)</p> <p>8 BY MR. SPRINGUT:</p> <p>9 Q Mr. Huang, this is not proceeding because you</p> <p>10 are not answering the question. You are avoiding the</p> <p>11 question. Why are you avoiding the question?</p> <p>12 A I don't understand your question.</p> <p>13 Q Tell me, as we sit here, what flowers or</p> <p>14 plants you have put in cartons that bear the mark of</p> <p>15 Plaintiff's Exhibit 30.</p> <p>16 A Everything that you need to package in then</p> <p>17 you would put in the carton.</p> <p>18 MR. DAWSON: I'm going to object again that</p> <p>19 the translation from you to him is not getting</p> <p>20 through correctly --</p> <p>21 THE INTERPRETER: (Without translating): No,</p> <p>22 I think --</p> <p>23 MR. DAWSON: -- he's not being --</p> <p>24 THE INTERPRETER: -- I think I'm --</p> <p>25 MR. SPRINGUT: You have no basis to say that,</p>	<p style="text-align: center;">39</p> <p>1 This is becoming a hostile witness and he's being</p> <p>2 uncooperative.</p> <p>3 MR. DAWSON: He's not being hostile. Your</p> <p>4 translation's not getting through correctly.</p> <p>5 You're impeding it to him.</p> <p>6 MR. SPRINGUT: This is -- I absolutely am.</p> <p>7 MR. DAWSON: Well, you're wrong in doing that</p> <p>8 MR. SPRINGUT: I don't think so.</p> <p>9 MR. DAWSON: Well, you have no basis to know</p> <p>10 that. I've got someone --</p> <p>11 MR. SPRINGUT: Yes. I -- I --</p> <p>12 MR. DAWSON: -- that's --</p> <p>13 MR. SPRINGUT: -- I have a translator who is</p> <p>14 certified to do this, and as far as I can tell, Mr.</p> <p>15 Huang is not responding to the questions that --</p> <p>16 MR. DAWSON: You have no basis for knowing</p> <p>17 that, though. I've just someone else here who</p> <p>18 speaks Mandarin who is saying it's not being</p> <p>19 interpreted properly, so I do have a basis to</p> <p>20 say --</p> <p>21 THE INTERPRETER: I --</p> <p>22 MR. SPRINGUT: I don't think so.</p> <p>23 MR. DAWSON: -- I challenge the translation --</p> <p>24 THE INTERPRETER: -- the big problem is the</p> <p>25 question --</p>
<p style="text-align: center;">38</p> <p>1 so I --</p> <p>2 MR. DAWSON: I have a client right here who</p> <p>3 speaks Mandarin --</p> <p>4 MR. SPRINGUT: Well, okay. Unless you have a</p> <p>5 certified translator here then you have no basis.</p> <p>6 MR. DAWSON: We'll challenge the translation.</p> <p>7 MR. SPRINGUT: You can challenge the</p> <p>8 translation. Meanwhile, I'm going to move to hold</p> <p>9 him in contempt of this for failure to respond to</p> <p>10 the questions --</p> <p>11 MR. DAWSON: Feel free.</p> <p>12 MR. SPRINGUT: -- and then we're going to redo</p> <p>13 this at your cost.</p> <p>14 MR. DAWSON: No, you're not. We're not</p> <p>15 bringing him back.</p> <p>16 MR. SPRINGUT: If he doesn't answer the</p> <p>17 questions, we're going to move to have him brought</p> <p>18 back.</p> <p>19 MR. DAWSON: Fine. It's not going to happen.</p> <p>20 They're not going to --</p> <p>21 MR. SPRINGUT: We'll see what the TTAB does.</p> <p>22 MR. DAWSON: Okay. Well --</p> <p>23 MR. SPRINGUT: Because this is --</p> <p>24 MR. DAWSON: You terminate at your own peril.</p> <p>25 MR. SPRINGUT: I'm not terminating anything.</p>	<p style="text-align: center;">40</p> <p>1 MR. SPRINGUT: You have no basis at all.</p> <p>2 MR. DAWSON: It's on the record whether I have</p> <p>3 a basis or not. It's not being translated</p> <p>4 properly.</p> <p>5 MR. SPRINGUT: You have no basis. You</p> <p>6 challenge it.</p> <p>7 MR. DAWSON: Okay.</p> <p>8 BY MR. SPRINGUT:</p> <p>9 Q Mr. Huang, are you taking this seriously?</p> <p>10 MR. DAWSON: Object to the form. You're</p> <p>11 harassing the witness.</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q Translate.</p> <p>14 MR. DAWSON: Translate mine as well.</p> <p>15 THE INTERPRETER: (Complies.)</p> <p>16 THE INTERPRETER: (Translating): I -- I --</p> <p>17 think this is a very -- this is a nuisance that we</p> <p>18 apply for this trademark and we register it and we</p> <p>19 came to American use it and we are the victim. Why</p> <p>20 so?</p> <p>21 BY MR. SPRINGUT:</p> <p>22 Q Now, let's go back to the questions. You</p> <p>23 testified that the mark of Plaintiff's Exhibit 30 was</p> <p>24 put on cartons, right? Yes or no?</p> <p>25 A Yes.</p>

<p style="text-align: center;">41</p> <p>1 Q Okay. And in the cartons you put flowers or 2 plants, correct? 3 A Yes. 4 Q What flowers and plants have you put in 5 cartons that bear the mark of Plaintiff's Exhibit 30? 6 A I mentioned earlier it's all the orchids. All 7 the company -- all the -- the products our company 8 produce we will put in the carton. 9 Q What products? 10 A Orchids, sprouts, all the -- all the Wan Lays, 11 the bamboo products. 12 Q What else? 13 A That's all. 14 Q Orchids and bamboo? 15 A Yes. 16 Q Okay. And the small cards that you told us 17 about that bear the mark of Plaintiff's Exhibit 30, what 18 type of products was it used on? 19 A Um, every year we will produce \$10,000 or so, 20 more than 10,000 also of such cards, and we will attach 21 to the products, each products. 22 Q What products? 23 A Every product they will grow -- they will have 24 blossom, have a flower that blossom, then we will attach 25 it.</p>	<p style="text-align: center;">43</p> <p>1 MR. SPRINGUT: Translate exactly what I say 2 and nothing else. 3 THE INTERPRETER: Okay. 4 BY MR. SPRINGUT: 5 Q Do you see where it says "cut flowers"? 6 A Yes. 7 Q Have you ever used the mark on this 8 registration on Exhibit 30 in connection with or on cut 9 flowers? 10 A Here probably not because we don't produce cut 11 flowers a lot, we don't have a lot. 12 Q Yes -- yes or no? 13 A I don't know what -- 14 Q Have you ever used the mark shown in 15 Plaintiff's Exhibit 30 in connection with or on cut 16 flowers? Yes or no? 17 A No. 18 Q Okay. Same question with regard to dried 19 flowers and live flowers. Yes -- yes or no? 20 A Yes. 21 Q Okay. What dried flowers and live flowers 22 have you used in connection with this mark? 23 A We -- we only produce live flowers. We don't 24 produce dry flowers anymore. 25 Q Have you ever produced dry flowers in</p>
<p style="text-align: center;">42</p> <p>1 Q What products? 2 A Something it's like orchids that will -- will 3 grow flowers. 4 Q Anything else? 5 A This the is all the most all orchids. 6 Q Anything else other than orchids? 7 A Orchids. 8 Q Now, let me direct your attention to 9 Plaintiff's Exhibit 30. Can you read anything on this 10 exhibit? 11 A No. 12 Q Okay. I'm going to ask the translator to read 13 for the witness after the word "for" in the first 14 column. Do you see that? 15 THE INTERPRETER: (Without translating): 16 Uh-huh. 17 MR. SPRINGUT: The protect listings. I want 18 you to read one only at a time and then I'm going 19 to ask him a question. 20 THE INTERPRETER: (Complies.) 21 BY MR. SPRINGUT: 22 Q Do you see cut flowers? 23 MR. SPRINGUT: Madam translator, please follow 24 me. 25 THE INTERPRETER: Okay.</p>	<p style="text-align: center;">44</p> <p>1 connection with this mark? Yes or no? 2 A In United States, no. 3 Q How about in connection with live flowers? 4 Yes or no? 5 A Yes. 6 Q What type of live flowers? 7 A That I just mentioned that earlier. It was 8 orchid that whatever -- the orchid we were using. 9 Q Anything other than orchids? 10 A In general, that we use in the sprout, orchid, 11 and the flower. 12 Q That's it? 13 A Yes. 14 Q Okay. Flower bulbs? 15 A Yes. We will use it. 16 Q What type of flower bulbs? 17 A Start -- the orchid starting from the bulb and 18 to the growing, the process, we will use it. 19 Q How do you use this mark in connection with 20 flower bulbs? 21 A When we use to -- the bulbs in -- into the 22 carton, we package in carton, it will show up the -- the 23 mark. 24 MR. SPRINGUT: Can I have that read back, 25 please?</p>



<p style="text-align: center;">45</p> <p>1 THE COURT REPORTER: Yes.</p> <p>2 (Whereupon the court reporter read back the last</p> <p>3 question.)</p> <p>4 BY MR. SPRINGUT:</p> <p>5 Q Explain, please.</p> <p>6 A Whenever we pack the carton, the carton will</p> <p>7 show the company's name, address, and it will show up,</p> <p>8 this -- the mark.</p> <p>9 Q And what will be in the carton?</p> <p>10 A It will -- it will -- this is -- this is</p> <p>11 repeated the question. It will have flowers, the bulbs,</p> <p>12 the sprout inside the carton, and it will have mark. In</p> <p>13 the packaging that it will -- it will easily will show</p> <p>14 up the mark.</p> <p>15 Q You sell flower bulbs?</p> <p>16 A Yes.</p> <p>17 Q With regard to flower seeds, how do you use</p> <p>18 the mark of Plaintiff's Exhibit 30?</p> <p>19 A It's impossible you will put mark into the</p> <p>20 bulbs and the seeds, but whenever you put -- you</p> <p>21 packaging the bulbs and seed into the carton, then it</p> <p>22 will show up the mark and the company's address.</p> <p>23 MR. SPRINGUT: Can I have that read back?</p> <p>24 (Whereupon the court reporter read back the last</p> <p>25 answer.)</p>	<p style="text-align: center;">47</p> <p>1 grass and grass seeds.</p> <p>2 Q When did you first start using the mark on</p> <p>3 Exhibit 30 in connection with grass and grass seeds?</p> <p>4 A It's few years ago. I don't specific to</p> <p>5 memorize that. But here we started around -- around</p> <p>6 2005 we start to manage that.</p> <p>7 Q What records do you have showing that you have</p> <p>8 sold grass or grass seeds in connection with the mark on</p> <p>9 Plaintiff's Exhibit 30?</p> <p>10 A I don't -- I am not able to have proof of</p> <p>11 that.</p> <p>12 Q Who have you sold grass and grass seeds to in</p> <p>13 connection with the mark on Plaintiff's Exhibit 30?</p> <p>14 A It's lon -- it's some time -- it's long time</p> <p>15 ago and the percentage of grass, grass seeds at the</p> <p>16 production is very low and we don't -- I don't remember.</p> <p>17 Q Can you produce any records showing you've</p> <p>18 ever sold any grass and grass seeds?</p> <p>19 A No.</p> <p>20 Q What about fresh herbs and raw herbs.</p> <p>21 THE INTERPRETER: (Without translating):</p> <p>22 Excuse me -- I think -- can I -- I need the</p> <p>23 dictionary. Can I use the dictionary?</p> <p>24 MR. SPRINGUT: (Nods head.)</p> <p>25 THE INTERPRETER: Thank you.</p>
<p style="text-align: center;">46</p> <p>1 BY MR. SPRINGUT:</p> <p>2 Q And when you talk about live, flowering</p> <p>3 plants, what does that refer to?</p> <p>4 A It is the difference between the live flower</p> <p>5 and the bulbs and seeds. It's only the difference is in</p> <p>6 height. And you -- all you orders flowers -- live</p> <p>7 flowers and season bulbs you have to package it through</p> <p>8 the packaging, and you have to put inside of carton.</p> <p>9 Q Only in the carton is the mark?</p> <p>10 A Yes.</p> <p>11 Q Okay. Dried plants, how do you use the -- how</p> <p>12 do you use the mark of that Exhibit 30 with dried</p> <p>13 plants?</p> <p>14 A I just mentioned earlier that we don't produce</p> <p>15 dry flowers at this time.</p> <p>16 Q Have you ever produced dried plants in</p> <p>17 connection with the mark on Exhibit 30?</p> <p>18 A We don't produce the dry plants at this time,</p> <p>19 but in the near -- in the future we are considering</p> <p>20 that.</p> <p>21 Q Okay. Next, grass and grass seeds, how do you</p> <p>22 use the mark in Exhibit 30 in connection with those</p> <p>23 items?</p> <p>24 A It is all the -- the logo -- mark has to show</p> <p>25 up in the carton. That is impossible to put in the</p>	<p style="text-align: center;">48</p> <p>1 THE INTERPRETER: (Translating): Even though</p> <p>2 it mentions this a lot, but there are not many</p> <p>3 customers, so we don't -- we don't produce a lot.</p> <p>4 We only that those -- during the time we have a</p> <p>5 plant, but we just --we just don't produce.</p> <p>6 BY MR. SPRINGUT:</p> <p>7 Q What does that mean?</p> <p>8 A You -- you would -- you need a market, you</p> <p>9 need to have customers.</p> <p>10 Q So, you've never sold any fresh or raw herbs?</p> <p>11 A Correct.</p> <p>12 Q Okay.</p> <p>13 MR. SPRINGUT: Now, madam translator, could</p> <p>14 you read for him the top of the second column which</p> <p>15 says "first use 6/1/2004" and "commerce 12/12004"</p> <p>16 and translate that?</p> <p>17 THE INTERPRETER: Okay. (Complies.)</p> <p>18 THE INTERPRETER: (Translating): The specific</p> <p>19 time I'm not quite sure.</p> <p>20 BY MR. SPRINGUT:</p> <p>21 Q When you say you're not quite sure, what does</p> <p>22 that mean?</p> <p>23 A Because the time -- specific time I don't</p> <p>24 remember exactly, correctly.</p> <p>25 Q Who provided the information that's found in</p>

<p style="text-align: center;">49</p> <p>1 this trademark certificate on Exhibit 30?</p> <p>2 A You mean the design? You mean the</p> <p>3 registration?</p> <p>4 Q Who provided the information about the dates</p> <p>5 that were just read to you?</p> <p>6 A Who told me?</p> <p>7 Q Who provided the information that's found in</p> <p>8 this trademark certificate?</p> <p>9 A These documents were -- are -- were handled by</p> <p>10 my wife.</p> <p>11 Q Who provided the information that's found in</p> <p>12 this document?</p> <p>13 A Ms. Chuong, my wife.</p> <p>14 Q Okay. Now, you'll notice that there are two</p> <p>15 different dates. Do you know why the dates are</p> <p>16 different?</p> <p>17 A I don't know.</p> <p>18 THE WITNESS: (In Mandarin.)</p> <p>19 MR. DAWSON: No, no, no, no, no. There's no</p> <p>20 question pending, don't say anything.</p> <p>21 Can you translate that to him?</p> <p>22 THE INTERPRETER: (Complies.)</p> <p>23 MR. DAWSON: Do you want to take a few</p> <p>24 minutes?</p> <p>25 MR. SPRINGUT: No.</p>	<p style="text-align: center;">51</p> <p>1 to search for that information.</p> <p>2 Q Where are the records showing the designs that</p> <p>3 were created?</p> <p>4 A I don't keep -- I don't have this record. I</p> <p>5 don't keep that.</p> <p>6 Q Have you searched for these records in your</p> <p>7 files?</p> <p>8 A I used to search for it, but this -- this</p> <p>9 employee did not leave any record.</p> <p>10 MR. SPRINGUT: Can you repeat the beginning of</p> <p>11 that?</p> <p>12 THE COURT REPORTER: Of her answer?</p> <p>13 MR. SPRINGUT: Yeah.</p> <p>14 (Whereupon the court reporter read back the last</p> <p>15 answer.)</p> <p>16 BY MR. SPRINGUT:</p> <p>17 Q What do you mean "I used to search for</p> <p>18 it"?</p> <p>19 A It means I couldn't find the original design,</p> <p>20 the record. I couldn't find it.</p> <p>21 Q When did you look for it?</p> <p>22 A Recently. Because it's -- it's -- it's some</p> <p>23 time ago, it's too long, a long time ago. But this</p> <p>24 person, She Tzi Chiang, we can find him. Maybe he can</p> <p>25 have a letter to prove that.</p>
<p style="text-align: center;">50</p> <p>1 BY MR. SPRINGUT:</p> <p>2 Q Mr. Huang, let me direct you to the design of</p> <p>3 the mark shown, for example, in Plaintiff's Exhibit 30.</p> <p>4 Tell us how this design came about. Who created it?</p> <p>5 A We designed this in Taiwan ourselves.</p> <p>6 Q And when you say "we" who are you referring</p> <p>7 to?</p> <p>8 A It's one of the employees in our company that</p> <p>9 designed this.</p> <p>10 Q What is the name of that employee?</p> <p>11 A Okay. It's -- the name is She, C - S-H --</p> <p>12 S-H-E, the last name Tzi, T-Z-I, Chiang, C-H-I-A-N-G,</p> <p>13 but he or she already left the company.</p> <p>14 Q What records do you have that relate to the</p> <p>15 creation of this design?</p> <p>16 A It is -- it is just the artist who designed</p> <p>17 several forms, and we chose one of it, and we send to</p> <p>18 the attorney for registration. And it's really -- it's</p> <p>19 just -- it's very pure. It's simple. It's a pure</p> <p>20 thing.</p> <p>21 THE INTERPRETER: That's how he say it.</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Where are those records?</p> <p>24 A We provide this information to the attorney,</p> <p>25 and then you have to go to the attorney's office to --</p>	<p style="text-align: center;">52</p> <p>1 Q And who decided to use that design in</p> <p>2 connection with this registration?</p> <p>3 A Decision, I made the decision, but the design</p> <p>4 is that Mr. She Tzi Chiang design.</p> <p>5 Q And when you made the decision, what was the</p> <p>6 next step in the process?</p> <p>7 MR. DAWSON: Object to the form.</p> <p>8 You can continue, but then after that</p> <p>9 translate my objection.</p> <p>10 THE INTERPRETER: (Complies.)</p> <p>11 THE INTERPRETER: (Translating): The next</p> <p>12 step then I just ask my wife to go to the attorney</p> <p>13 to file for registration process.</p> <p>14 BY MR. SPRINGUT:</p> <p>15 Q Are you familiar with a company called</p> <p>16 Everlasting Flower Farm?</p> <p>17 A No.</p> <p>18 Q Do you own any other companies in Taiwan?</p> <p>19 THE INTERPRETER: (Without translating): Owe</p> <p>20 any company in Taiwan?</p> <p>21 MR. SPRINGUT: (Gestures.)</p> <p>22 THE COURT REPORTER: Own any companies in</p> <p>23 Taiwan.</p> <p>24 THE INTERPRETER: (Translating): Yes.</p> <p>25 BY MR. SPRINGUT:</p>

<p style="text-align: center;">53</p> <p>1 Q What companies do you own in Taiwan?</p> <p>2 A I mentioned earlier is Chang Lung Flower Shop</p> <p>3 and toy company.</p> <p>4 Q What is the name of the toy company?</p> <p>5 A Jien Wen, J-I-E-N W-E-N toy company.</p> <p>6 Q Any other companies that you own in Taiwan?</p> <p>7 A No.</p> <p>8 Q And you've never heard of the Everlasting</p> <p>9 Flower Farm?</p> <p>10 A No.</p> <p>11 Q Okay. Was a trademark search ever undertaken</p> <p>12 with regard to the design shown in Plaintiff's Exhibit</p> <p>13 30?</p> <p>14 A I did not find -- I did not find it. I did</p> <p>15 not know it.</p> <p>16 Q What didn't you know?</p> <p>17 A I did not find out any other company use the</p> <p>18 same logo as I.</p> <p>19 Q What did you do to come to that conclusion?</p> <p>20 A So, far at this time we don't know anybody</p> <p>21 ever use this mark.</p> <p>22 Q Before you filed the application which issued</p> <p>23 as the registration of Exhibit 30, did you ever conduct</p> <p>24 any investigation or search to determine if anyone was</p> <p>25 using that mark?</p>	<p style="text-align: center;">55</p> <p>1 Q Before your company filed an application to</p> <p>2 register the mark, did the attorneys give you an opinion</p> <p>3 that the mark was available for use?</p> <p>4 A We applied and we receive the permit and then</p> <p>5 we use it.</p> <p>6 Q Before you applied, did the attorney provide</p> <p>7 you with an opinion of whether the mark was available?</p> <p>8 A This process of research investigation is</p> <p>9 the -- is through the attorneys -- through attorney's</p> <p>10 office. We -- how the process goes, we don't know.</p> <p>11 Q Did you ever receive an opinion from the</p> <p>12 attorneys before you filed the application to register</p> <p>13 the mark of Exhibit 30 that the mark was available?</p> <p>14 A Supposedly the attorney should do some</p> <p>15 investigation. Then the attorney will do the</p> <p>16 registration for us.</p> <p>17 Q Mr. Huang, please answer the question. Did</p> <p>18 you get an opinion from the attorney before the</p> <p>19 application was filed?</p> <p>20 A I don't remember.</p> <p>21 Q Did you check your file to see if you have</p> <p>22 such an opinion?</p> <p>23 A As far as opinion goes, they will not give us</p> <p>24 randomly. It's just we submit our draft, and then they</p> <p>25 will handle the matter.</p>
<p style="text-align: center;">54</p> <p>1 A We did not conduct investigation ourself. We</p> <p>2 only that attorney office to handle this matter.</p> <p>3 Q Did the attorneys conduct an investigation or</p> <p>4 search?</p> <p>5 A How did the attorney did the investigation or</p> <p>6 search we don't know, but the attorneys response back is</p> <p>7 there's no problem, so we applied.</p> <p>8 Q What did the attorneys do to determine there</p> <p>9 was no problem?</p> <p>10 A This we don't know. We just hired attorney to</p> <p>11 handle this matter.</p> <p>12 Q Did the attorneys provide you with an opinion</p> <p>13 as to whether the mark shown in Exhibit 30 was available</p> <p>14 for use?</p> <p>15 A Of course, it should be available to use,</p> <p>16 that's why the attorney will help -- will do the</p> <p>17 registration for us.</p> <p>18 Q Did you receive an opinion from the attorneys</p> <p>19 that the mark was available for use?</p> <p>20 A Of course, that attorney told us it's</p> <p>21 available to use, that's why we use it officially.</p> <p>22 Q How did the attorney tell you it was available</p> <p>23 for use?</p> <p>24 A From the time we register, and then we</p> <p>25 received the permit.</p>	<p style="text-align: center;">56</p> <p>1 Q Mr. Huang, did you get an opinion before you</p> <p>2 filed the application? Yes or no?</p> <p>3 A The attorney's opinion that it supposed to be</p> <p>4 okay. Then we were able to file for application.</p> <p>5 Q Was that opinion in writing?</p> <p>6 A No.</p> <p>7 Q How was it -- how was it provided to you?</p> <p>8 A It is only the suggestion that we hand in this</p> <p>9 to the attorney office and then let them handle it.</p> <p>10 Q How was the opinion provided to you?</p> <p>11 A It is -- it's only that we get this golden --</p> <p>12 golden -- this to the attorney that he handle it. And</p> <p>13 then the result is, yes, it's okay, we got the permit.</p> <p>14 Q Did the attorney ever produce to you an</p> <p>15 opinion before you filed the application of the</p> <p>16 registration of Exhibit 30 that the mark was okay to be</p> <p>17 used?</p> <p>18 MR. DAWSON: Object to the form.</p> <p>19 THE WITNESS: The attorney -- the attorney</p> <p>20 doesn't need to tell us. And also, we don't</p> <p>21 remember anyway.</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Let me show you what has been previously</p> <p>24 marked as Petitioner's Exhibit 29. Have you ever seen</p> <p>25 Plaintiff's Exhibit 29?</p>

<p style="text-align: center;">57</p> <p>1 A I don't know. I don't even know him.</p> <p>2 Q Have you looked at the entire document?</p> <p>3 A No.</p> <p>4 Q Would you do that please?</p> <p>5 THE INTERPRETER: Okay. (In Mandarin.)</p> <p>6 MR. SPRINGUT: No, no. Just tell him to go</p> <p>7 through the entire document. That's all.</p> <p>8 THE INTERPRETER: (Complies.)</p> <p>9 THE INTERPRETER: (Translating): I can't read</p> <p>10 English.</p> <p>11 MR. SPRINGUT: That's okay. Just go through</p> <p>12 the document.</p> <p>13 Don't translate anything else that I don't</p> <p>14 say.</p> <p>15 THE INTERPRETER: Okay.</p> <p>16 (Showing document.)</p> <p>17 MR. SPRINGUT: Is there any reason he's not</p> <p>18 doing this himself?</p> <p>19 THE INTERPRETER: (Without translating: Uh,</p> <p>20 yes. Okay.</p> <p>21 THE INTERPRETER: (Translating): I can't read</p> <p>22 English so it doesn't make sense.</p> <p>23 MR. SPRINGUT: Tell him to just look at each</p> <p>24 page. Tell me if he's ever seen any of it before.</p> <p>25 THE INTERPRETER: (Translating): Is this</p>	<p style="text-align: center;">59</p> <p>1 Q Who designed this tag?</p> <p>2 A Design that I -- how could I remember every</p> <p>3 detailed part of it?</p> <p>4 Q Does that mean you don't know who?</p> <p>5 A It's a lot of -- a lot of -- the writings that</p> <p>6 the company's writings not every part of it goes through</p> <p>7 me, so they would just design -- they would just design</p> <p>8 and that's it.</p> <p>9 Q Who is "they"?</p> <p>10 A The employees of the company.</p> <p>11 Q Which employees?</p> <p>12 A Typically are the sales department.</p> <p>13 Q Who are the employees in the sales department?</p> <p>14 A Each year it varies yearly, so it depends on</p> <p>15 which year are you referring to.</p> <p>16 Q Let's start in 2003.</p> <p>17 A In 2003 the company in U.S. not -- hasn't</p> <p>18 started yet.</p> <p>19 Q How about 2004?</p> <p>20 A In 2003 and 2004, the most of the time who</p> <p>21 handle is Mr. She Tzi Chiang that mentioned earlier.</p> <p>22 Q How about 2005?</p> <p>23 A It -- it -- in 2005 it depends, it probably is</p> <p>24 Shaiao Yan Je that handles the most.</p> <p>25 THE INTERPRETER: (Translating): Shaiao is</p>
<p style="text-align: center;">58</p> <p>1 company has such logo, how could this happen?</p> <p>2 BY MR. SPRINGUT:</p> <p>3 Q Does he recognize any of the pages?</p> <p>4 A The only thing I can see is that's my wife's</p> <p>5 signature. The content, I don't know.</p> <p>6 Q And turning to that signature he just referred</p> <p>7 to, her name is Li-Ying Chuong, right?</p> <p>8 A Correct.</p> <p>9 Q She is the president of the company?</p> <p>10 A Yes, export.</p> <p>11 Q Now, turning to the next to last and last</p> <p>12 pages of the Exhibit 29, does he recognize that tag?</p> <p>13 A Yes.</p> <p>14 Q What does he recognize about it?</p> <p>15 A This is my company's logo.</p> <p>16 Q And is he familiar with anything else on the</p> <p>17 tag?</p> <p>18 A I don't understand what you mean.</p> <p>19 Q Is there anything else that looks familiar to</p> <p>20 him on the tag?</p> <p>21 A This is -- this is the tag that usually attach</p> <p>22 to the flower. Um, what's the problem?</p> <p>23 Q And turning to the last page, is that a better</p> <p>24 picture of the tag?</p> <p>25 A Yes.</p>	<p style="text-align: center;">60</p> <p>1 S-H-A-I-A-O, last name Y-A-A-N, Je, J-E.</p> <p>2 BY MR. SPRINGUT:</p> <p>3 Q And where is he located?</p> <p>4 A In Taiwan.</p> <p>5 Q How about 2006?</p> <p>6 A In 2005 and 2006, all the Shaiao who handled</p> <p>7 that.</p> <p>8 Q Okay.</p> <p>9 MR. SPRINGUT: Let me ask the reporter to mark</p> <p>10 a collection of documents as Petitioner's Exhibits</p> <p>11 32A, B, C, D, E, F, G, respectively.</p> <p>12 THE COURT REPORTER: Did you say a composite</p> <p>13 exhibit or did you want 32A, 32B, 32C --</p> <p>14 MR. SPRINGUT: Yes.</p> <p>15 (Plaintiff's Exhibits 32A, 32B, 32C, 32D, 32E, 32F, 32G</p> <p>16 were marked for identification.)</p> <p>17 BY MR. SPRINGUT:</p> <p>18 Q Okay. Mr. Huang, let me show you what we've</p> <p>19 marked as 32A. Can you tell me what that is?</p> <p>20 A It is our poster.</p> <p>21 Q And when was this poster designed?</p> <p>22 A I don't remember.</p> <p>23 Q Who would know the answer to that question in</p> <p>24 your company?</p> <p>25 A It's -- there are a lot -- sometimes it's just</p>

<p style="text-align: center;">61</p> <p>1 the sales department when they want to boost the sales</p> <p>2 and they -- they -- they did this. It's too many and I</p> <p>3 don't remember.</p> <p>4 Q How is this document used?</p> <p>5 A It is -- this is often through the shows. And</p> <p>6 we just distribute to some the shops that then use it.</p> <p>7 Q These are handouts?</p> <p>8 A Both ways. Sometimes hand -- hand</p> <p>9 distributed, and sometimes put the piles in the shows in</p> <p>10 the area the shows that they can pick up. It's, of</p> <p>11 course -- it's related to during the time that we had</p> <p>12 those flowers in the shop.</p> <p>13 Q And you don't know when that was?</p> <p>14 A It is because it changes yearly. We can -- we</p> <p>15 don't remember that.</p> <p>16 Q Let me next show you what's been marked as</p> <p>17 Petitioner's 32B. Can you tell us how that's used? Is</p> <p>18 that the same as what you just told us with regard to</p> <p>19 32A?</p> <p>20 A Yes.</p> <p>21 Q And do you know when this exhibit was first</p> <p>22 used by your company?</p> <p>23 A I don't remember because it's long time ago.</p> <p>24 Those flowers are old flowers, it's not a new flowers.</p> <p>25 Q Let me show you what we've marked as</p>	<p style="text-align: center;">63</p> <p>1 Q So, you don't know?</p> <p>2 A Because every year they are all types of</p> <p>3 prints, a lot of a huge quantities every year. I</p> <p>4 don't -- I can't -- I -- it's impossible I can remember.</p> <p>5 Q And let me show you together Petitioner's</p> <p>6 Exhibit 32E, F, and G. Can you tell us what these are?</p> <p>7 A It was that these are prior to final design.</p> <p>8 These are the drafts that we were trying as part of our</p> <p>9 drafts. Other than this, there are all other many</p> <p>10 kinds. We arrange -- arrange and later we finalized</p> <p>11 this.</p> <p>12 Q And who designed those exhibits?</p> <p>13 A It is this design whereby I mentioned earlier</p> <p>14 She Tzi Chiang who designed that.</p> <p>15 Q Okay.</p> <p>16 MR. SPRINGUT: Okay. I don't think I have</p> <p>17 anything further for you. Thank you.</p> <p>18 MR. DAWSON: We are certainly reserving our</p> <p>19 right to challenge the translation as well.</p> <p>20 MR. SPRINGUT: I'll order.</p> <p>21 MR. DAWSON: Copy.</p> <p>22 (The deposition concluded at 1:17 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">62</p> <p>1 Petitioner's 32C. Is that the same type of exhibit as</p> <p>2 the prior two?</p> <p>3 A This is -- this should be much older time.</p> <p>4 Q So, it's the same type of exhibit?</p> <p>5 A The purpose of use is about the same.</p> <p>6 Q Okay. And do you know when this was first</p> <p>7 used?</p> <p>8 A You mean that one -- that --</p> <p>9 Q 32C.</p> <p>10 A Probably about three, four years, it should</p> <p>11 be.</p> <p>12 Q That's your guess?</p> <p>13 A Yes.</p> <p>14 Q Let me show you what we have marked as</p> <p>15 Petitioner's 32D. Similar type of exhibit?</p> <p>16 A It's only -- it's only a variation of design.</p> <p>17 It's the flowers are different. The background is the</p> <p>18 one of our greenhouse.</p> <p>19 Q When was this first used?</p> <p>20 A When we came here we started to use for</p> <p>21 advertisement is in 2004.</p> <p>22 Q That specific exhibit, when was it first used?</p> <p>23 A This is -- this is suppose in 2005, 2006</p> <p>24 gradually. The first few prints I have some memory, but</p> <p>25 later I don't have memory.</p>	<p style="text-align: center;">64</p> <p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA )</p> <p>4 COUNTY OF LAKE )</p> <p>5</p> <p>6 I, Layla F. Degler, Florida Professional Reporter,</p> <p>7 the undersigned authority, certify that SHUN-CHI HUANG</p> <p>8 (Witness) and JUDY LIU (Interpreter) personally appeared</p> <p>9 before me and were duly sworn on the 14th day of May,</p> <p>10 2010.</p> <p>11</p> <p>12 WITNESS my hand and official seal this 27th day of</p> <p>13 May, 2010.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 Layla F. Degler</p> <p>21 Florida Professional Reporter</p> <p>22 Notary Public, State of Florida</p> <p>23 My Commission No.: DD0683892</p> <p>24 Expires: 06/10/2011</p> <p>25</p>

65

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LAKE )

I, Layla F. Degler, Florida Professional Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcript of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of the party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of May, 2010.

LAYLA F. DEGLER  
Notary Public - State of Florida  
My Commission No.: DD0683892  
Expires: 06/10/2011

67

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SHUN-CHI HUANG

66

## DEPOSITION ERRATA SHEET

Assignment No.: 163709  
ATLAS FLOWERS d/b/a as GOLDEN FLOWERS vs. GOLDEN VISION FLOWERS.

DECLARATION UNDER PENALTY OF PERJURY  
I declare under penalty of perjury that I have read the entire transcript of me Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SHUN-CHI HUANG

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

68

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

**NOTICE OF RELIANCE**

**DOCUMENT 3**

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD</p> <p>In re: Registration No. 3,074,073</p> <p>ATLAS FLOWERS, INC. D/b/a GOLDEN FLOWERS</p> <p style="text-align: center;">Petitioner, -against- GOLDEN VISION FLOWER, INC.,  Registrant.</p> <p style="text-align: center;">DEPOSITION OF LI-YING CHUONG</p> <p style="text-align: center;">FRIDAY, MAY 14, 2010 2:00 P.M. - 4:15 P.M. ESQUIRE DEPOSITION SERVICES 200 EAST ROBINSON STREET SUITE 725 ORLANDO, FLORIDA</p> <p>STENOGRAPHICALLY REPORTED BY: LAYLA F. DEGLER, FPR FLORIDA PROFESSIONAL REPORTER AND NOTARY PUBLIC</p> <p>ESQUIRE DEPOSITION SERVICES ORLANDO OFFICE - JOB #: 163709 PHONE NUMBER - (407)426-7676</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p style="text-align: center;">PAGE</p> <p>TESTIMONY OF: LI-YING CHUONG DIRECT EXAMINATION BY MR. SPRINGUT.....4 CERTIFICATE OF OATH.....49 CERTIFICATE OF REPORTER.....50 ERRATA SHEET.....51</p> <p style="text-align: center;">- - -</p> <p style="text-align: center;">EXHIBITS MARKED</p> <p>PETITIONER'S: Exhibit 33.....LEADER INTERNATIONAL SERVICES.....17 Exhibit 34.....LETTER BACON AND THOMAS.....18 Exhibit 35.....LEADER LETTER IN CHINESE.....19</p> <p style="text-align: center;">- - -</p> <p style="text-align: center;">Stipulations</p> <p>It is hereby agreed and so stipulated by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript are expressly reserved by the Deponent.</p>
<p style="text-align: center;">2</p> <p>1     Appearing for the Plaintiff: 2     MILTON SPRINGUT, ESQUIRE 3     Kalow &amp; SPRINGUT LLP 4     488 Madison Avenue, 19th Floor 5     New York, New York 10022 6     T:212.813.1600 7     E-MAIL: Ms@creativity-law.com</p> <p>8     Appearing for the Defendant: 9     JEFFREY S. DAWSON, ESQUIRE 10    56 4th Street NW 11    Suite 100 12    Winter Haven, Florida 33881 13    T.863.293.9600 14    E-Mail: Jdawson@jdawsonlaw.com</p> <p>15    ALSO PRESENT: 16    Shih-Wen Huang 17    Shun-Chi Huang</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>Deposition taken before Layla F. Degler, Florida Professional Reporter and Notary Public in and for the State of Florida at Large, in the above cause.</p> <p style="text-align: center;">- - -</p> <p>WHEREUPON: XUE MEI WANG, the interpreter, was sworn to truly and correctly translate English into Mandrin and Mandrin into English. THE INTERPRETER: Yes. THE COURT REPORTER: (Swears in witness through translator.) Thereupon, LI-YING CHUONG having been duly sworn or affirmed, was examined and testified as follows: THE INTERPRETER: (Translating): Yes. DIRECT EXAMINATION BY MR. SPRINGUT: A    Okay. Q    Good afternoon Mrs. Chuong. My name is Milton Springhut, and I am the lawyer for the other party in this proceeding. A    Okay. Q    And I'm going to ask you a bunch of questions</p>



<p style="text-align: center;">5</p> <p>1 with regard to the subject matter of this proceeding.</p> <p>2 A Not too many question, I just arrived last</p> <p>3 night. I am very tired.</p> <p>4 Q No more than your husband.</p> <p>5 A Very tired.</p> <p>6 Q Okay. We'll try to make this as short and</p> <p>7 fast and sweet as possible.</p> <p>8 A Thank you.</p> <p>9 Q And to help do that, it's important that you</p> <p>10 answer my questions directly and to the best of your</p> <p>11 recollection.</p> <p>12 A (Nods head.)</p> <p>13 Q And I assume you've received a briefing about</p> <p>14 the nature of the purpose of this proceeding this</p> <p>15 afternoon?</p> <p>16 A Yes.</p> <p>17 Q Have any questions at this time?</p> <p>18 A Thank you very much for listening to me to</p> <p>19 explain.</p> <p>20 Q No problem. Now, very important that on</p> <p>21 behalf of the court reporter that you verbalize your</p> <p>22 responses.</p> <p>23 A Yes.</p> <p>24 Q Because if you nod your head or shake it or</p> <p>25 whatever, she's going to have a very hard time putting</p>	<p style="text-align: center;">7</p> <p>1 A I am the boss.</p> <p>2 Q Of what company?</p> <p>3 A In the company in Taiwan. Flower Flower</p> <p>4 Flower company.</p> <p>5 Q What's the name of the company?</p> <p>6 A Company name? I can speak in English. I get</p> <p>7 to say the company name in English, Chang Long --</p> <p>8 Q Sounds like Chang Long Flower Shop?</p> <p>9 A I guess -- a farm for everything for flowers,</p> <p>10 fruits, and other stuff.</p> <p>11 Q What's the formal name of the company?</p> <p>12 A Chang Long Farm.</p> <p>13 THE INTERPRETER: (Without translating): I</p> <p>14 will spell it, C-H-A-N-G L-O-N-G Farm.</p> <p>15 BY MR. SPRINGUT:</p> <p>16 Q Farm?</p> <p>17 A Farm.</p> <p>18 Q It's a flower shop. Okay. Close enough.</p> <p>19 And what is the address of the company?</p> <p>20 A The previous address, Liberty Road, Second</p> <p>21 Road, 209 Xiang Number 5.</p> <p>22 Q Okay. And what is your position with this</p> <p>23 company?</p> <p>24 A Assistant -- assistant of the president.</p> <p>25 Q And who is the president?</p>
<p style="text-align: center;">6</p> <p>1 it on that little machine.</p> <p>2 A Yes.</p> <p>3 Q Okay. If you don't understand my questions,</p> <p>4 I'll be glad to repeat or rephrase them.</p> <p>5 A Yes.</p> <p>6 Q And if I don't understand your answers or</p> <p>7 they're incomplete, I'm going to ask you to explain.</p> <p>8 And let me show you what we've marked as</p> <p>9 Petitioner's Exhibit 31 and ask if you are appearing</p> <p>10 here today pursuant to that notice.</p> <p>11 A You mean this one?</p> <p>12 Q Yes.</p> <p>13 A I was in Taiwan previously. That belongs to</p> <p>14 my family.</p> <p>15 Q Okay. Where in Taiwan do you live?</p> <p>16 A Tainan.</p> <p>17 Q What is the street address?</p> <p>18 A Do you know how to translate this? Free</p> <p>19 Road -- Liberty Road, sorry. Do I have to say it?</p> <p>20 Second Road, 209 Xiang, X-I-A-N-G --</p> <p>21 THE INTERPRETER: -- that's the way I would</p> <p>22 spell it --</p> <p>23 THE INTERPRETER: (Translating): -- Number 5.</p> <p>24 BY MR. SPRINGUT:</p> <p>25 Q Okay. And are you employed by a company?</p>	<p style="text-align: center;">8</p> <p>1 A Him (indicating). Or her. My husband.</p> <p>2 Q Okay. And how long have you had that</p> <p>3 position?</p> <p>4 A Over ten years.</p> <p>5 Q Okay.</p> <p>6 A Over ten years.</p> <p>7 Q And what do you do at the company?</p> <p>8 A Daily operations including the trademark after</p> <p>9 the boss made the decision and I'll execute.</p> <p>10 Q And what is the business of the Chang Long</p> <p>11 Farm company?</p> <p>12 A Flowers, fruits, and vegetables.</p> <p>13 Q And what do you do with flowers, fruits, and</p> <p>14 vegetables?</p> <p>15 A I do the bookkeeping.</p> <p>16 Q What does the company do?</p> <p>17 A To sale -- sell overseas and domestic.</p> <p>18 Q That means you grow the flowers, the fruits,</p> <p>19 and vegetables in Taiwan; is that correct?</p> <p>20 A Yes.</p> <p>21 Q And how long have you been selling flowers?</p> <p>22 A Over ten years.</p> <p>23 Q What type of flowers has the company sold?</p> <p>24 THE INTERPRETER: (Without translating): That</p> <p>25 got me. I'm sorry.</p>

<p style="text-align: center;">9</p> <p>1 THE INTERPRETER: (Translating): All kinds of</p> <p>2 flowers.</p> <p>3 BY MR. SPRINGUT:</p> <p>4 Q Could you be more specific?</p> <p>5 THE INTERPRETER: (Without translating): I</p> <p>6 apologize, I am not familiar with the name of the</p> <p>7 flowers. I'm sorry.</p> <p>8 THE INTERPRETER: (Translating): Orchids.</p> <p>9 BY MR. SPRINGUT:</p> <p>10 Q Orchids?</p> <p>11 A Yes. Money trees.</p> <p>12 Q Anything else?</p> <p>13 A Um, all different kinds of flowers.</p> <p>14 Q What are all the different kinds of flowers</p> <p>15 other than orchids?</p> <p>16 A Different kinds of orchestras [sic], that's</p> <p>17 the major flower. If I have order for other flowers, I</p> <p>18 will do that, too.</p> <p>19 Q What are the other flowers you've sold other</p> <p>20 than orchids?</p> <p>21 A Orchestra. I plant orchestra.</p> <p>22 Q I plant?</p> <p>23 A I plant --</p> <p>24 THE COURT REPORTER: Can I just ask the</p> <p>25 interpreter a question?</p>	<p style="text-align: center;">11</p> <p>1 flower do you grow and sell?</p> <p>2 A Only orchids. For other flowers, if somebody</p> <p>3 orders a plant, if no orders just orchids.</p> <p>4 Q Okay. What -- what have people ordered?</p> <p>5 A Hard to say, just different kinds of orchids.</p> <p>6 Q Okay. Other than orchids, can you identify</p> <p>7 any other type plants you've grown or sold?</p> <p>8 A Just orchids, or pretty much I do butterfly</p> <p>9 orchids.</p> <p>10 Q Can you identify any plant other than orchids</p> <p>11 that you've grown and sold?</p> <p>12 A Myself, besides orchestra, what other flowers</p> <p>13 I plant?</p> <p>14 THE INTERPRETER: She was repeating the</p> <p>15 question.</p> <p>16 THE COURT REPORTER: She's asking you the</p> <p>17 question.</p> <p>18 BY MR. SPRINGUT:</p> <p>19 Q Yes. What's the answer?</p> <p>20 A I don't really understand.</p> <p>21 Q In addition to orchids --</p> <p>22 A I only plant orchids.</p> <p>23 Q Okay. What countries do you sell to?</p> <p>24 A You have to ask me this? In Taiwan? You have</p> <p>25 to ask things about Taiwan?</p>
<p style="text-align: center;">10</p> <p>1 MR. MR. SPRINGUT: Go ahead.</p> <p>2 THE COURT REPORTER: I want to make sure</p> <p>3 you're saying orchestra and not orchids.</p> <p>4 THE INTERPRETER: Orchids. I'm sorry.</p> <p>5 THE COURT REPORTER: Are you saying orchids?</p> <p>6 THE INTERPRETER: Orchids.</p> <p>7 THE COURT REPORTER: Okay. It's not a type of</p> <p>8 plant, you're saying orchids, plural? Okay.</p> <p>9 MR. MR. SPRINGUT: And print.</p> <p>10 THE COURT REPORTER: No print; plant.</p> <p>11 THE INTERPRETER: Okay. Sorry about that.</p> <p>12 THE COURT REPORTER: No, that's okay. Just</p> <p>13 from the previous deposition I want to make sure</p> <p>14 we're all on the same page.</p> <p>15 BY MR. MR. SPRINGUT:</p> <p>16 Q What was the last answer?</p> <p>17 A Orchids.</p> <p>18 MR. SPRINGUT: (Indicating.)</p> <p>19 THE COURT REPORTER: Do you want to know what</p> <p>20 the question or the answer was?</p> <p>21 MR. MR. SPRINGUT: Answer.</p> <p>22 (WHEREUPON, the court reporter read back the last</p> <p>23 answer.)</p> <p>24 BY MR. MR. SPRINGUT:</p> <p>25 Q What are the -- aside from orchids, what other</p>	<p style="text-align: center;">12</p> <p>1 MR. SPRINGUT: (Gestures.)</p> <p>2 THE COURT REPORTER: I think she's asking in</p> <p>3 Taiwan.</p> <p>4 BY MR. SPRINGUT:</p> <p>5 Q No. Outside of Taiwan.</p> <p>6 A Japan, Europe, United States.</p> <p>7 Q Other than orchids that you have sold in the</p> <p>8 United States, what other products have you sold here?</p> <p>9 A Yes, vegetables.</p> <p>10 Q What else?</p> <p>11 A Fruits, vegetable, and flower.</p> <p>12 Q What kind of flowers other than orchids?</p> <p>13 A Money trees.</p> <p>14 Q What are money trees?</p> <p>15 A It's a green plant.</p> <p>16 Q And when did you first start selling money</p> <p>17 trees to customers in the United States?</p> <p>18 A Over ten years and started...</p> <p>19 Q Anything else you sold to the United States</p> <p>20 that you haven't told us about?</p> <p>21 A Sell the stuff that I plant.</p> <p>22 Q What else is that?</p> <p>23 A What do you mean what else?</p> <p>24 Q You told us you sell orchids, money trees, and</p> <p>25 fruits and vegetables to the United States, anything</p>

<p style="text-align: center;">13</p> <p>1 else?</p> <p>2 A No. No. Only when the customer orders.</p> <p>3 Q Are you familiar with a company called Golden</p> <p>4 Vision Flower in the United States?</p> <p>5 A Yes, I know this company.</p> <p>6 Q Are you an officer of this company?</p> <p>7 A Um, I help them with the paperwork if they</p> <p>8 want to apply something Taiwan, I'll help them with it.</p> <p>9 Q Are you an officer of the company?</p> <p>10 A I suppose I take care of the financial part.</p> <p>11 Q Are you the president of the company?</p> <p>12 A No.</p> <p>13 Q Are you the vice president of the company?</p> <p>14 A No.</p> <p>15 Q Are you the secretary of the company?</p> <p>16 A Um, I think it's supposed to belong to the</p> <p>17 secretary.</p> <p>18 Q Are you the secretary of the company?</p> <p>19 THE WITNESS: (In Mandrin.)</p> <p>20 MR. SPRINGUT: No --</p> <p>21 MR. DAWSON: Can you tell her she can't --</p> <p>22 MR. SPRINGUT: She can't ask anybody any</p> <p>23 questions. Tell her she can't talk to anybody.</p> <p>24 THE INTERPRETER: (Complies.)</p> <p>25 THE INTERPRETER: (Translating): I don't</p>	<p style="text-align: center;">15</p> <p>1 shareholders, me and my husband.</p> <p>2 Q And what percentage of the shares do you hold</p> <p>3 today?</p> <p>4 A I have to say that?</p> <p>5 Q Yes.</p> <p>6 A I have to say it?</p> <p>7 Q (Nods head.)</p> <p>8 A Ten -- ten something percent.</p> <p>9 Q Are you an employee of Golden Vision Flower?</p> <p>10 A I am the shareholder. Shareholder.</p> <p>11 Q Other than shareholder, are you an employee of</p> <p>12 the company?</p> <p>13 A I suppose not employee. I am only the</p> <p>14 shareholder.</p> <p>15 Q Have you ever been an employee?</p> <p>16 A In Golden or in Taiwan?</p> <p>17 Q Golden.</p> <p>18 A No.</p> <p>19 Q I see before you is a copy of Petitioner's</p> <p>20 Exhibit 30, which is the registration for your company</p> <p>21 mark; is that right?</p> <p>22 A What?</p> <p>23 Q And you're familiar with the mark that is</p> <p>24 shown on Exhibit 30?</p> <p>25 A Yeah. In Taiwan I help them with this.</p>
<p style="text-align: center;">14</p> <p>1 know.</p> <p>2 BY MR. SPRINGUT:</p> <p>3 Q You don't know if you're the secretary?</p> <p>4 A I just help them to take care of the business</p> <p>5 stuff in Taiwan.</p> <p>6 Q So if you're not the secretary of the company,</p> <p>7 are you the treasurer of the company?</p> <p>8 A I suppose I take care of the financial.</p> <p>9 Q Do you have any title with the company as</p> <p>10 treasurer?</p> <p>11 A No.</p> <p>12 Q Do you have any title at all?</p> <p>13 A I -- I don't come here very often.</p> <p>14 Q Do you have any title at all with the company</p> <p>15 Golden Vision Flower?</p> <p>16 A No.</p> <p>17 Q Okay. Are you a director of Golden Vision</p> <p>18 Flower?</p> <p>19 A No.</p> <p>20 Q Are you a shareholder of Golden Vision Flower?</p> <p>21 A I suppose at the very beginning when we</p> <p>22 register I have.</p> <p>23 Q And what's the basis of your understanding</p> <p>24 that you're a shareholder?</p> <p>25 A When we registered I was one of the</p>	<p style="text-align: center;">16</p> <p>1 Q What did you help them with?</p> <p>2 A Because we're planning to come here to do</p> <p>3 business, um, I was in Taiwan help them design the</p> <p>4 trademark and I don't understand English, I hired an</p> <p>5 attorney design this.</p> <p>6 Q Who designed the mark that's shown in</p> <p>7 Plaintiff's Exhibit 30?</p> <p>8 A The boss.</p> <p>9 Q And by "the boss," do you mean your husband?</p> <p>10 A Yes.</p> <p>11 Q Did he have assistance from anybody?</p> <p>12 A Yes. This was designed by somebody inside and</p> <p>13 the boss confirmed it.</p> <p>14 Q How did the boss confirm it?</p> <p>15 A We designed several logos and, um, the boss</p> <p>16 asked us to discuss then finally he decided to use this</p> <p>17 one.</p> <p>18 Q When was that?</p> <p>19 A Um, 2004, beginning. Beginning of 2004.</p> <p>20 Q And how does she recall that?</p> <p>21 A Because I helped -- I helped him applied this,</p> <p>22 hired attorney from Taiwan.</p> <p>23 Q Uh-huh.</p> <p>24 MR. SPRINGUT: Let me ask the reporter to mark</p> <p>25 a one-page document as Petitioner's 33.</p>

<p style="text-align: center;">17</p> <p>1 (Plaintiff's Exhibit Number 33 was marked for 2 identification.) 3 BY MR. SPRINGUT: 4 Q Let me show you what we've marked as 5 Petitioner's Exhibit 33 and ask if you've seen this 6 document before. 7 A Yeah, this company is from Taiwan. I hired 8 them to help us be -- maybe they -- they, um, got this 9 through America, but I don't know. 10 Q What do you mean? 11 A This is a document that -- that our -- my 12 attorney, um, had with the other company in the US 13 maybe, I just signed my name. 14 Q Okay. Can you read this document? 15 A No. 16 Q Okay. 17 A They explained this to me and to tell me what 18 was on the document and I just need to sign it. We 19 direct the attorney and told the attorney how to apply. 20 Q What is your relationship with this law firm? 21 A This company, our -- our documents, um, issued 22 by this company. I only know this company. 23 Q And by "this company," are we talking about 24 Leader? 25 A Yes.</p>	<p style="text-align: center;">19</p> <p>1 Q Do you understand what a statement of use is? 2 A Yeah. They -- they explained -- they 3 explained the document before I signed it. 4 Q Okay. Let me next mark another one. 5 A It's been a long time, I can't remember so 6 clearly, but they explained it. 7 MR. SPRINGUT: Let me next have a one-page 8 document marked as Petitioner's Exhibit 35. 9 (Petitioner's Exhibit Number 35 was marked for 10 identification.) 11 BY MR. SPRINGUT: 12 Q Have you seen Petitioner's Exhibit 35 prior to 13 today? 14 A Yes. It was in Chinese. I read the Chinese 15 of this document. 16 Q And what did you understand was the importance 17 of this document? 18 A I have to read it again, it's been a long 19 time. 20 Q That's quite all right. Go ahead. 21 A (Witness complies.) 22 Q Now that you've reread the document, do you 23 have understanding of what it's saying? 24 A Yeah, our application. 25 Q Our application what?</p>
<p style="text-align: center;">18</p> <p>1 Q Okay. And who do you know at this company? 2 A Sales. 3 Q Do you know the name of anybody there of 4 somebody? 5 A We call him Mr. Wong, Mr. Wong, that's all. 6 Q And who did you deal with there, Mr. Wong? 7 A Yeah, Mr. Wong. 8 Q And this letter is addressed to a company 9 called Bacon and Thomas in the United States. Do you 10 know Bacon and Thomas? 11 A No. No. They wouldn't let us know this 12 company because of the fees. Yeah, but he explained the 13 document before I signed it. 14 MR. SPRINGUT: Let me ask the report to mark a 15 two-page document as Petitioner's 34. 16 (Petitioner's Exhibit Number 34 was marked for 17 identification.) 18 BY MR. SPRINGUT: 19 Q Have you ever seen the letter of Petitioner's 20 Exhibit 34? 21 A Yes. They explained it to me. 22 Q And did you understand from their explanation 23 that the lawyers in the US had to file a statement of 24 use of the mark? 25 A Yes. Yes. They asked me to sign.</p>	<p style="text-align: center;">20</p> <p>1 A Trademark. 2 Q Trademark was allowed? 3 A No. I think this is a document that they, um, 4 in between of them. They provide document asked them to 5 do something. 6 Q Do they say that the trademark application for 7 Golden Vision Flower was allowed on August 1, 2005? 8 A 2005? 9 Q (Nods head.) 10 A 2004. June 1, 2004. 11 Q What's June 1, 2004? 12 A We applied so the trademark was approved. 13 Q And what's June 1, 2004? 14 A Applied. Approved. 15 Q What happened on June 1, 2004? 16 A Our trademark -- our trademark approved. 17 Q How do you know that? 18 A Because I signed the document they said it was 19 to us. I signed the document. 20 Q Yeah, but how do you remember that date? 21 A Um, I want to see -- I want to check and I was 22 told the trademark was approved. Before. 23 Q When did you want to see? 24 A Leader told us. 25 Q What did Leader tell you?</p>

<p style="text-align: center;">21</p> <p>1 A Our trademark has no problem at all.</p> <p>2 Q But how do you remember that date, June 1,</p> <p>3 2004?</p> <p>4 A He told me, Leader told me.</p> <p>5 Q When did he tell you?</p> <p>6 A They have to ask their attorney. You have to</p> <p>7 check with the attorney.</p> <p>8 Q Who has to check with the attorney?</p> <p>9 A Leader told me, Mr. Wong told me.</p> <p>10 Q When did he tell you this?</p> <p>11 A A few months ago. I don't really remember. A</p> <p>12 few months ago.</p> <p>13 Q And what did he tell you about June 1, 2004?</p> <p>14 A Um, I asked them why they sue us. He told me</p> <p>15 that we -- our trademark was approved on that day.</p> <p>16 Q On June 1, 2004?</p> <p>17 A Yes. He said that. He told me that Taiwan</p> <p>18 told me that. Somebody sue you, you have to ask.</p> <p>19 Q How is it that you remember this -- this date?</p> <p>20 A Um, somebody tell you that this is very</p> <p>21 important, is it important, so I remembered it.</p> <p>22 Q And when was the last time someone told you</p> <p>23 that this was an important date, June 1, 2004?</p> <p>24 A They asked -- they asked the attorney to go to</p> <p>25 the court. I don't remember when.</p>	<p style="text-align: center;">23</p> <p>1 assert since she hasn't gone anywhere near that.</p> <p>2 MR. DAWSON: You're asking her --</p> <p>3 MR. SPRINGUT: You're coaching her.</p> <p>4 MR. DAWSON: -- a question that's going to</p> <p>5 elicit potentially attorney/client privilege</p> <p>6 information so I am stating my objection, I'm</p> <p>7 instructing her not to divulge anything.</p> <p>8 MR. SPRINGUT: Okay.</p> <p>9 MR. DAWSON: That's not coaching my witness.</p> <p>10 MR. SPRINGUT: I think you're coaching your</p> <p>11 witness.</p> <p>12 MR. DAWSON: I think you're wrong.</p> <p>13 THE INTERPRETER: (Translating): So when</p> <p>14 somebody ask you something, you must ask them back.</p> <p>15 It has been a long time.</p> <p>16 BY MR. SPRINGUT:</p> <p>17 Q What preparation did you do before coming in</p> <p>18 here today with regard to this deposition?</p> <p>19 A Regarding the trademarks and I was told this</p> <p>20 about the trademarks so I viewed some documents.</p> <p>21 Q Mrs. Chuong, it's very important that you</p> <p>22 listen to my question.</p> <p>23 Prior to coming in here today, did you discuss</p> <p>24 with -- discuss your -- what you would be talking about</p> <p>25 at this deposition today with anybody?</p>
<p style="text-align: center;">22</p> <p>1 Q Has anyone else told you that this is an</p> <p>2 important date?</p> <p>3 MR. DAWSON: I object -- hang on, instruct her</p> <p>4 not to make any statement about any conversations</p> <p>5 she's had with me. Okay.</p> <p>6 MR. SPRINGUT: Wait, wait, wait, wait, wait,</p> <p>7 wait, wait. She hasn't gone anywhere near that so</p> <p>8 why --</p> <p>9 MR. DAWSON: It doesn't matter.</p> <p>10 MR. SPRINGUT: -- why are you instructing her?</p> <p>11 Are you trying to coach her?</p> <p>12 MR. DAWSON: I'm not trying to coach her.</p> <p>13 MR. SPRINGUT: I think you're trying to coach</p> <p>14 her.</p> <p>15 MR. DAWSON: You're wrong.</p> <p>16 MR. SPRINGUT: Okay. I'm noting my objection,</p> <p>17 you know, on the record.</p> <p>18 MR. DAWSON: Note all you want. I'm telling</p> <p>19 my client don't divulge any conversation she's had</p> <p>20 with me. It's attorney/client privilege. She</p> <p>21 doesn't have to get into that divulging</p> <p>22 information --</p> <p>23 MR. SPRINGUT: There's --</p> <p>24 MR. DAWSON: -- attorney/client privilege.</p> <p>25 MR. SPRINGUT: But there's no privilege to</p>	<p style="text-align: center;">24</p> <p>1 A No. They asked me to -- they ask me to pay so</p> <p>2 I have to ask.</p> <p>3 Q But Mrs. Chuong, you're not listening to my</p> <p>4 question. Before you came to this deposition today, did</p> <p>5 you talk to anybody about what would be happening here</p> <p>6 today?</p> <p>7 A No.</p> <p>8 Q Did you talk to your lawyer about what would</p> <p>9 happen here today before coming in?</p> <p>10 A No. How do I know what kind of questions</p> <p>11 you're going to ask me?</p> <p>12 Q Did you have a conversation with your lawyer</p> <p>13 as to what would happen at this deposition today?</p> <p>14 A I didn't -- I don't know.</p> <p>15 Q What do you mean you don't know?</p> <p>16 A I know I have appointment the day after I</p> <p>17 arrive out of the airplane I had to come. I don't know</p> <p>18 what questions...</p> <p>19 Q You know who your lawyer is in this case,</p> <p>20 right?</p> <p>21 A No. The only thing I know is I asked the</p> <p>22 Leader to help us.</p> <p>23 Q You don't know that Mr. Dawson is your lawyer?</p> <p>24 A Him?</p> <p>25 Q Yeah, him.</p>

<p style="text-align: center;">25</p> <p>1 A (Gestures.)</p> <p>2 Q Is he your lawyer?</p> <p>3 A Yes.</p> <p>4 Q Okay. Did you have any conversations with him</p> <p>5 today or yesterday?</p> <p>6 A No. I just saw him this morning. He took us</p> <p>7 here. No.</p> <p>8 Q Did you have any discussions of what would</p> <p>9 happen at the deposition today?</p> <p>10 A No.</p> <p>11 Q Okay. Now, turning back to Plaintiff's</p> <p>12 Exhibit 35, you can read this first line here, right?</p> <p>13 A Actually, when Leader give me this document, I</p> <p>14 didn't see the top part, I only saw the bottom part.</p> <p>15 Q What do you mean?</p> <p>16 A I never saw this part.</p> <p>17 Q But you saw the part in Chinese, right?</p> <p>18 A Yeah. But this being a long time, I'm not</p> <p>19 sure.</p> <p>20 Q Can you read this or not?</p> <p>21 A Now?</p> <p>22 Q Now.</p> <p>23 A This company 2005 August 1st transferred</p> <p>24 trademark documents customer. If it is okay, please</p> <p>25 use.</p>	<p style="text-align: center;">27</p> <p>1 Q Okay. And then you had to file a document</p> <p>2 saying that you used it, right?</p> <p>3 A Do I have to file? I don't think so. Already</p> <p>4 approved. Why?</p> <p>5 Q But you had to tell the patent office that you</p> <p>6 used it so you could proceed, right?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, let me show you what we previously</p> <p>9 marked as Petitioner's Exhibit 29.</p> <p>10 A Yes. That's my signature.</p> <p>11 Q You've seen this document before?</p> <p>12 A Yes. I -- that's my signature. They</p> <p>13 explained it to me.</p> <p>14 Q And what did they explain to you?</p> <p>15 A Yes. Look --</p> <p>16 THE INTERPRETER: She's pointing to the date</p> <p>17 June 1, 2004.</p> <p>18 BY MR. SPRINGUT:</p> <p>19 Q So you've seen this document and the date June</p> <p>20 1, 2004, right?</p> <p>21 A Yes.</p> <p>22 Q And what else did they explain to you?</p> <p>23 A I don't remember. It's been a long time. My</p> <p>24 English not that well, otherwise I read it again.</p> <p>25 Q Okay. So could you have her read it again and</p>
<p style="text-align: center;">26</p> <p>1 What does this mean? I don't understand</p> <p>2 anything.</p> <p>3 Q Uh-huh. You understand from this that your</p> <p>4 trademark was approved?</p> <p>5 A The letter they gave us, it's not like this.</p> <p>6 They -- they transferred it to a different letterhead.</p> <p>7 Q Right. But you understood that the trademark</p> <p>8 was approved, right?</p> <p>9 A Tell you the truth, after I read this, I don't</p> <p>10 understand. After I read this I don't understand.</p> <p>11 Q Did you ask the lawyers what it meant?</p> <p>12 A Um, I told you I never saw this letter before.</p> <p>13 It was a transferred document. I got that from Leader.</p> <p>14 Q Leader told you that the trademark was</p> <p>15 approved at some point, right?</p> <p>16 A Regarding this matter or --</p> <p>17 Q Yes, regarding this matter.</p> <p>18 A Yes. Yes.</p> <p>19 Q Okay. And that you had to start using the</p> <p>20 trademark, right?</p> <p>21 A Our -- our trademark I don't think we use the</p> <p>22 trademark at that time, after approval we -- we used it.</p> <p>23 Q Right. After approval you knew you had to use</p> <p>24 the trademark to proceed, right?</p> <p>25 A Yes.</p>	<p style="text-align: center;">28</p> <p>1 could you translate it for her?</p> <p>2 Start right here.</p> <p>3 THE INTERPRETER: (Complies.)</p> <p>4 MR. SPRINGUT: Okay. Wait. So let me just</p> <p>5 read what you translated for her.</p> <p>6 THE INTERPRETER: (Without translating):</p> <p>7 Okay. That's the first paragraph.</p> <p>8 MR. SPRINGUT: And again -- right.</p> <p>9 BY MR. SPRINGUT:</p> <p>10 Q And you understand that this was directed to</p> <p>11 the trademark office in the United States, right?</p> <p>12 A Yes.</p> <p>13 Q Okay. It says, "Sir: Applicant requests</p> <p>14 registration of the mark in the United States Patent and</p> <p>15 Trademark office on the Principal Register established</p> <p>16 by the Act of July, 5, 1946 (15 U.S.C section 1051 et</p> <p>17 seq., as amended.)"</p> <p>18 They explained that to you, right?</p> <p>19 A Yes.</p> <p>20 Q All right. Now, let me read the next</p> <p>21 paragraph and then you'll translate. Okay?</p> <p>22 THE INTERPRETER: Okay.</p> <p>23 BY MR. SPRINGUT:</p> <p>24 Q "Applicant has adopted and is using the mark</p> <p>25 in commerce in the United States on or in connection</p>

<p style="text-align: center;">29</p> <p>1 with each of the following, in accord with Section 1(a)  2 of the Lanham Act, as amended, 15 U.S.C. section 1051  3 (a) [lists good s/services]: Cut flowers, dried flowers  4 and live flower; flower bulbs; flower seeds; live  5 flowering plants; dried plants and live plants; grass  6 and grass seeds; fresh herbs and raw herbs; live  7 orchids."  8 A Only some of it like the dried flowers and the  9 (undiscernible).  10 Q But they read this to you what they were --  11 what you were signing, right?  12 A That's what we told them that we will do this.  13 Q And based on what you told, them they put it  14 in this document, right?  15 A Yes.  16 Q Okay. Paragraph 2 says, "The mark was first  17 used on the date at least as early June 1, 2004."  18 A Yes.  19 Q Okay. And you gave them the date June 1,  20 2004?  21 A Yes. If you look at the back of the document,  22 um, they had a picture then they started to use it.  23 Q Okay. So, when --  24 A But this --  25 Q Sorry.</p>	<p style="text-align: center;">31</p> <p>1 A Specimen? Dry flower.  2 Q Okay. And where was this tag applied to the  3 dried flower? In Taiwan? The US? Where did this  4 happen?  5 A I can't tell.  6 Q Who applied this mark on the tag to the  7 flowers?  8 A Us.  9 Q And who was -- was this in Taiwan or the US?  10 A Oh, this package we need to sell to the US,  11 the package.  12 Q Who was this sold to?  13 A United States.  14 Q Who in the United States?  15 A I can't remember. I have a lot of clients.  16 Q Okay. Do you have any documents that would  17 show to who this was sold on June 1, 2004?  18 A What kind of document?  19 Q An invoice.  20 A This is a trade. We just gave it to the  21 trader and I don't know the detail.  22 Q What's a trader?  23 A I -- I can't -- I can't remember.  24 Q But when you say "a trader," who are you  25 talking about?</p>
<p style="text-align: center;">30</p> <p>1 A But the sales was not that good so we don't  2 want to use it anymore.  3 Q Could you just explain what you just said?  4 A Yes. I know like the dates and stuff.  5 Q So the June 1, 2004 date comes from the date  6 of the pictures?  7 A Um, I don't remember. I don't know when we  8 got the picture, but we used it.  9 Q Okay. And the date June 1, 2004 was  10 information you provided to the lawyers?  11 A Yes.  12 Q Okay. And what happened on June 1, 2004?  13 A We applied. We used -- we used -- used the  14 trademark.  15 Q Okay. And you used it on these cards?  16 A Use what?  17 Q The mark.  18 A Yes.  19 Q Okay. And these tags are attached to orchids?  20 A It's not a tag. Yes, it is tag.  21 Q Okay. And --  22 A It's a dry flower.  23 Q What?  24 A That's a dry flower.  25 Q Dried orchids?</p>	<p style="text-align: center;">32</p> <p>1 A Chang Long Farm is a trader.  2 Q I'm sorry?  3 A Chang Long Farm is a trader.  4 Q Okay. So that's the person who got it or  5 that's the person who --  6 THE INTERPRETER: (Without translating):  7 Their farm.  8 BY MR. SPRINGUT:  9 Q Okay. I'm very confused. Let's try to start  10 again. You applied this tag with the mark to these  11 dried flowers, right?  12 A When we provide with the goods we take -- we  13 take a picture. We probably had an order.  14 Q Okay. And when you say "we had an order," who  15 had an order? What company?  16 A Which company ordered?  17 MR. DAWSON: From which -- which company  18 received the order.  19 MR. SPRINGUT: Yes. Thank you.  20 BY MR. SPRINGUT:  21 Q Yes, which company received the order?  22 A They ordered.  23 MR. DAWSON: What company received the order?  24 That's what he's asking.  25 BY MR. SPRINGUT:</p>

<p style="text-align: center;">33</p> <p>1 Q Who -- who was the company that sold these</p> <p>2 items?</p> <p>3 A I help them to find and they ordered. I don't</p> <p>4 know who they sold it to.</p> <p>5 Q Okay. Which was the company that sold the</p> <p>6 dried flowers that we see in Plaintiff's Exhibit 29?</p> <p>7 A We ordered -- we sell it to them I don't</p> <p>8 know --</p> <p>9 Q Who is "we"?</p> <p>10 A Chang Long.</p> <p>11 THE INTERPRETER: (Without translating): I</p> <p>12 will spell it. C-H-A-N-G L-O-N-G.</p> <p>13 BY MR. SPRINGUT:</p> <p>14 Q Okay. So that's the company you own in</p> <p>15 Taiwan?</p> <p>16 A (Nods head.)</p> <p>17 Q Chang Long sold the dried flowers with the tag</p> <p>18 on it to whom?</p> <p>19 A Sell them to -- sold it to this company.</p> <p>20 Q To Golden Vision Flower?</p> <p>21 THE WITNESS: (In English): Yeah, yeah.</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q And that's what the date of June 1, 2004</p> <p>24 refers to?</p> <p>25 A I don't know. I don't know. I don't know. I</p>	<p style="text-align: center;">35</p> <p>1 Okay. At six months later on June 1 --</p> <p>2 A What do you mean early -- as early as?</p> <p>3 Q Well, that's something you signed, so what did</p> <p>4 you understand it to mean when you signed it?</p> <p>5 A They didn't explain it like this.</p> <p>6 Q Well, how did they explain it?</p> <p>7 A Um, they told us the mark was approved on June</p> <p>8 1, 2004.</p> <p>9 Q Okay. But you see paragraph 2 talks about</p> <p>10 June 1, 2004. Paragraph 3 talks about December 1, 2004,</p> <p>11 six months later, right?</p> <p>12 A So that's why when you asked me, um, when was</p> <p>13 this picture, I don't know.</p> <p>14 Q But what's your understanding of why there's a</p> <p>15 difference of six months in those two dates? What</p> <p>16 happened differently or not differently?</p> <p>17 A They didn't tell me that. They didn't tell me</p> <p>18 that.</p> <p>19 Q Well, did the use of those tags on the next</p> <p>20 following pages on the dried flowers change in any way</p> <p>21 from June to December 2004?</p> <p>22 A We made a lot of tags. I don't know what</p> <p>23 version is this tag.</p> <p>24 Q Okay. But did you use the mark on different</p> <p>25 goods or the same goods during the rest of 2004? Did</p>
<p style="text-align: center;">34</p> <p>1 know I can use my trademark on June 1, 2004.</p> <p>2 Q Okay. So going back -- going back to</p> <p>3 paragraph 2 of the statement of use -- paragraph 2,</p> <p>4 could you read that -- translate that to her?</p> <p>5 THE INTERPRETER: (Complies.)</p> <p>6 BY MR. SPRINGUT:</p> <p>7 Q Okay. So what happened on that day is Chang</p> <p>8 Long Flowers or Farm Taiwanese company sold the dried</p> <p>9 flowers you're saying with the -- with the mark on it to</p> <p>10 Golden Vision Flower?</p> <p>11 A This correct way to explain it.</p> <p>12 Q Is that what you understand paragraph 2 means?</p> <p>13 A Yes. Yes, this day approved.</p> <p>14 Q Okay. So that's what that means?</p> <p>15 A Again, please, pardon me.</p> <p>16 Q On June 1, 2004, as it says in paragraph 2,</p> <p>17 the Taiwanese company Chang Long Flowers sold the dried</p> <p>18 flowers and the specimen along with that tag to Golden</p> <p>19 Vision Flowers?</p> <p>20 A Yes.</p> <p>21 Q Okay. So now let's go to paragraph 3. And</p> <p>22 let me just read that before you translate it for the</p> <p>23 witness.</p> <p>24 "The mark was first used in commerce on the</p> <p>25 date at least as early as December 1, 2004."</p>	<p style="text-align: center;">36</p> <p>1 the use change in any way?</p> <p>2 A I don't remember. I knew we used the mark,</p> <p>3 but I just can't remember.</p> <p>4 Q Okay. And the use was by Chang Long Flower</p> <p>5 Shop to Golden Vision Flowers? That's how you used the</p> <p>6 mark?</p> <p>7 A Yeah. The -- normally they ask me to find</p> <p>8 some products and ask me to use a particular tag.</p> <p>9 Q Okay. Do you have any invoices that show any</p> <p>10 use in 2004 for flowers, dried flowers, or anything else</p> <p>11 that were sold in connection with the mark that's shown</p> <p>12 in this exhibit?</p> <p>13 A From -- they don't need to -- it's been a long</p> <p>14 time.</p> <p>15 Q Right. But are there any documents that exist</p> <p>16 that show the sales in 2004 of these plants with the</p> <p>17 mark?</p> <p>18 A I cannot remember very clearly but I could go</p> <p>19 back and check.</p> <p>20 Q Okay. Now, let's turn the page to the second</p> <p>21 page of the statement of use, paragraph 4. And let me</p> <p>22 read what paragraph 4 says, "The current use of the mark</p> <p>23 on or in connection with the forgoing in commerce is</p> <p>24 shown by the attached specimens."</p> <p>25 A So the picture is this.</p>



<p style="text-align: center;">37</p> <p>1 Q And by the current use it means on or about 2 August 8, 2005? 3 A I know they asked me to sign this on August 8. 4 Q When is says the current use, it's the day you 5 signed it, right? 6 A Maybe earlier. 7 Q That's your signature, right? 8 A Yes. 9 Q Did you sign it on any date other than August 10 8, 2005? 11 A Yes, I signed today. 12 Q On August 8, 2005? 13 A Yes. 14 Q So when paragraph 4 talks about the current 15 use, it means on August 8, 2005, right? 16 A 2005 August. Maybe earlier. 17 Q So you were not selling these goods in August 18 of 2005 with this mark? 19 A The document exchanged. I signed on that day 20 that's correct. 21 Q Okay. And when you signed on that day and it 22 talks about the current use, it means when you signed, 23 right? 24 A Earlier. 25 Q Did you stop selling dried flowers in</p>	<p style="text-align: center;">39</p> <p>1 registration, declares that: I am properly authorized 2 to execute this declaration on behalf of applicant; I 3 believe applicant to be the owner of the mark sought to 4 be registered; the mark is in use in such commerce, as 5 described above; all statements made of my own knowledge 6 are true; and all statements made and information and 7 belief are believed to be true." 8 And you understood that all of this was true 9 and accurate, correct? 10 A Yes. 11 Q And everything in this statement of use was 12 correct as far as you understood when you signed it, 13 right? 14 A Yes. 15 Q Okay. Now, it says that you're the president 16 of Golden Vision Flower, Inc.; is that correct? 17 A No. I'm not the president. 18 Q Okay. Now, turn to the last page of the 19 Exhibit 29, please. That's a blow up of the two tags 20 shown on the page before Title Specimen, right? 21 A I think so. 22 Q Who printed this tag? 23 A I helped. 24 Q Okay. But who actually printed it? 25 A Printed in Taiwan.</p>
<p style="text-align: center;">38</p> <p>1 connection with the Golden Vision mark by August 8, 2 2005? 3 A I suppose I can use the mark on June 1, 2004 4 I was told, and I started to use it after that day. 5 Q Okay. But were you continuing to use the mark 6 in August of 2005? 7 A Yes. 8 Q Okay. So in August of 2005, Chang Long Flower 9 Shop and Farm continued to sell dried flowers with the 10 mark to Golden Vision Flowers, correct? 11 A No. Golden is selling their stuff. It's 12 different than Chang Long. 13 Q And where was Golden getting this stuff from? 14 A They ordered themselves and we provide some 15 flowers to Chang Long. 16 Q Right. The same as you discussed with regard 17 to June 1, 2004, right? 18 A Yes. 19 Q Okay. Now, the next part of the statement of 20 use is titled "DECLARATION," and it says, "The 21 undersigned being hereby warned that willful false 22 statements and the like are punishable by fine by 23 imprisonment, or both, under 18 U.S.C section 1001, and 24 that such willful false statement may jeopardize the 25 validity of the application or any resulted</p>	<p style="text-align: center;">40</p> <p>1 Q And do you know the name of the printer? 2 A It's been a long time. I don't know. 3 Q Do you have any documents that would show the 4 name of the printer? 5 A Taiwan is different than here. They don't 6 keep the documents. 7 Q Okay. Now, under "tag" the first things it 8 says under the mark is "cut flowers." 9 A Yes. Yeah, that's one of their business. 10 Q Has Golden Vision Flower ever sold cut 11 flowers? 12 A At the very beginning they did that and then 13 they did an evaluation to see if it's good or not. The 14 very beginning they -- 15 Q And then what happened? 16 A Um, market is different. 17 Q Okay. When did Golden Vision start selling 18 cut flowers? 19 A I did not involve. 20 Q You don't know? 21 A I did not involve. 22 Q So you don't know? 23 A I did not involve. I don't know. 24 Q Okay. Is Golden Vision Flowers selling cut 25 flowers today?</p>

<p style="text-align: center;">41</p> <p>1 A I didn't see it today.</p> <p>2 Q When was the last time that Golden Vision</p> <p>3 Flowers sold cut flowers?</p> <p>4 A I did not work in this side.</p> <p>5 Q So you don't know?</p> <p>6 A I don't know.</p> <p>7 Q Has Golden Vision -- and do you know whether</p> <p>8 Golden Vision Flowers ever sold cut flowers along with</p> <p>9 the mark?</p> <p>10 A Yes. Yes, it's outside the box.</p> <p>11 Q Outside the box?</p> <p>12 A Yes. Printed on the tags.</p> <p>13 Q Both on the box and the tags?</p> <p>14 A Yes.</p> <p>15 Q What period of time were cut flowers sold in</p> <p>16 connection with these tags?</p> <p>17 A They not only sell flowers but they always</p> <p>18 have the printed material.</p> <p>19 Q I'm not exactly sure what you said, but the</p> <p>20 question is: What period of time did Golden Vision</p> <p>21 Flowers sell cut flowers in connection with their mark?</p> <p>22 A Period of time, what does that mean?</p> <p>23 Q What dates?</p> <p>24 A Every day. Every day.</p> <p>25 Q What documents do you have that show that?</p>	<p style="text-align: center;">43</p> <p>1 A Yes.</p> <p>2 MR. SPRINGUT: What did I say?</p> <p>3 (WHEREUPON, the court reporter read back the last</p> <p>4 question.)</p> <p>5 BY MR. SPRINGUT:</p> <p>6 Q Sorry. Okay. What kind of live flowers did</p> <p>7 it sell in 2004?</p> <p>8 A Orchids.</p> <p>9 Q Do you have any invoices reflecting sales of</p> <p>10 orchids in 2004?</p> <p>11 A Invoice? I'll go back and check.</p> <p>12 Q How about in 2005?</p> <p>13 A They ordering orchids all the way.</p> <p>14 Q Are there any invoices that reflect that</p> <p>15 ordering?</p> <p>16 A Yes. If recent, it's easier to find the</p> <p>17 invoices.</p> <p>18 Q Okay. How about flower bulbs? When did</p> <p>19 Golden Vision first start selling flower bulbs?</p> <p>20 A They tried everything at the very -- at the</p> <p>21 beginning.</p> <p>22 Q So when did Golden Vision Flower sell flower</p> <p>23 bulbs?</p> <p>24 A At the very beginning.</p> <p>25 Q Which was when?</p>
<p style="text-align: center;">42</p> <p>1 Invoices?</p> <p>2 A Why the invoice has to have the logo?</p> <p>3 Q No, I didn't say that. I -- what invoices do</p> <p>4 you have showing the sale of cut flowers?</p> <p>5 A I did not involve in the daily business, how</p> <p>6 can I approve that?</p> <p>7 Q In 2004 was Golden Vision Flowers selling cut</p> <p>8 flowers?</p> <p>9 A 2004? I don't know. I did not involve.</p> <p>10 Q How about 2005?</p> <p>11 A I don't know.</p> <p>12 Q 2006?</p> <p>13 A I did not involve. Why are you always asking</p> <p>14 me this?</p> <p>15 Q Let's moved on to dried flowers. Do you see</p> <p>16 dried flowers?</p> <p>17 A Only once. They only ordered once from me.</p> <p>18 Q When was that?</p> <p>19 A 2004, maybe.</p> <p>20 Q Are you guessing?</p> <p>21 A Um, I think so. I think so. They ordered</p> <p>22 once with me. I don't know if they ordered with anybody</p> <p>23 else.</p> <p>24 Q How about live flowers? Did Golden Vision</p> <p>25 Flowers sell live flowers in 2004?</p>	<p style="text-align: center;">44</p> <p>1 A 2004 or 2005.</p> <p>2 Q And when were those flower bulbs first sold in</p> <p>3 connection with the Golden Vision mark?</p> <p>4 A After I applied they started to use it.</p> <p>5 Q How did they start to use it?</p> <p>6 A Like this. They provided this and then print.</p> <p>7 Q They used tags on the flower bulbs?</p> <p>8 A I don't know. I don't know how they used it,</p> <p>9 but they printed. I don't know how they used it.</p> <p>10 Q What did they print?</p> <p>11 A Box.</p> <p>12 Q What kind of box?</p> <p>13 A Package.</p> <p>14 Q What period of time did Golden Vision Flowers</p> <p>15 sell flower bulbs?</p> <p>16 A I help them to take care of when they got the</p> <p>17 document and then they take care of everything on their</p> <p>18 own.</p> <p>19 MR. SPRINGUT: Read the question.</p> <p>20 (WHEREUPON, the court reporter read back the last</p> <p>21 question.)</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Same question.</p> <p>24 A After the application they asked me to prepare</p> <p>25 everything.</p>

<p style="text-align: center;">45</p> <p>1 Q But the question is: What period of time did</p> <p>2 Golden Vision Flowers sell flower bulbs?</p> <p>3 A Um, I helped them prepare the ones. I don't</p> <p>4 know after that.</p> <p>5 Q Do you understand the question that I'm asking</p> <p>6 you?</p> <p>7 A No. You're asking me when they started to use</p> <p>8 this mark.</p> <p>9 Q No. I asked you when did Golden Flower sell</p> <p>10 flower bulbs? What period of time?</p> <p>11 A 2004.</p> <p>12 Q Through when?</p> <p>13 A I only help them prepare once and you have to</p> <p>14 ask the Golden.</p> <p>15 Q So whatever the people at Golden Vision Flower</p> <p>16 told me, I have to listen to them, right?</p> <p>17 A Yes.</p> <p>18 Q Next category is flower seeds. When did</p> <p>19 Golden Vision start selling flower seeds?</p> <p>20 A 2004.</p> <p>21 Q Until when?</p> <p>22 A Same answer. All these things I just prepared</p> <p>23 once. I don't know anything else.</p> <p>24 Q So after 2004, you don't know if Golden Vision</p> <p>25 Flowers sold any of the items on this tag?</p>	<p style="text-align: center;">47</p> <p>1 Q But you don't know?</p> <p>2 A I did not involve in operate in this.</p> <p>3 Q Okay. So in August of 2005 when you signed</p> <p>4 the attached statement of use, you didn't know whether</p> <p>5 or not the company was selling any of these items; is</p> <p>6 that a fair statement?</p> <p>7 A They selling but I don't know if that's</p> <p>8 everything.</p> <p>9 Q Well, which items do you know that they were</p> <p>10 selling in August of 2005 from the list?</p> <p>11 A Orchids, that's a positive.</p> <p>12 Q Anything else?</p> <p>13 A I don't think they sold dry flowers. The</p> <p>14 market is different, others, I don't know.</p> <p>15 Q Okay. So the only thing you can testify is</p> <p>16 that they were selling orchids in 2005, correct?</p> <p>17 A Yes. Let me double check. Anything related</p> <p>18 with orchids they would sell.</p> <p>19 Q Thank you, Mrs. Chuong.</p> <p>20 MR. SPRINGUT: Nothing further.</p> <p>21 MR. DAWSON: We are going to read.</p> <p>22 I am also going to make my objection to the</p> <p>23 translation on this one as well. And I'm going to</p> <p>24 ask that -- I'll put on the record that I discussed</p> <p>25 with your manager you -- requested to you about the</p>
<p style="text-align: center;">46</p> <p>1 A Yes.</p> <p>2 Q Okay.</p> <p>3 MR. SPRINGUT: Let's take a short break.</p> <p>4 (Break.)</p> <p>5 BY MR. SPRINGUT:</p> <p>6 Q Okay. So a couple more questions, Mrs.</p> <p>7 Chuong, and I think we're good for the day.</p> <p>8 A Okay.</p> <p>9 Q With regard to the various items listed on the</p> <p>10 tag, which is the last page of Exhibit 29 --</p> <p>11 A We got more.</p> <p>12 Q Which of these items was Golden Vision Flower</p> <p>13 selling in August of 2005?</p> <p>14 A August?</p> <p>15 Q August 2005.</p> <p>16 A The only thing I did I helped them did one</p> <p>17 booking in 2004, that's all.</p> <p>18 Q So by your answer do I understand you to mean</p> <p>19 that you don't know whether Golden Vision Flower was</p> <p>20 selling any of these item in August of 2005?</p> <p>21 MR. DAWSON: Object to the form.</p> <p>22 THE INTERPRETER: (Translating): 2005? I</p> <p>23 only helped them booking in 2004. They operating</p> <p>24 to today, they must have some sales.</p> <p>25 BY MR. SPRINGUT:</p>	<p style="text-align: center;">48</p> <p>1 audio transcript and that I am going to, if I have</p> <p>2 to, if you won't voluntarily turn it over, seek a</p> <p>3 subpoena from the District Court here. So I would</p> <p>4 request that you not alter or destroy the audio</p> <p>5 tapes in any way. And that's it.</p> <p>6 THE COURT REPORTER: And you're both ordering</p> <p>7 and you both want copies.</p> <p>8 MR. DAWSON: If he orders I want a copy.</p> <p>9 THE COURT REPORTER: And you want to order</p> <p>10 this one?</p> <p>11 MR. SPRINGUT: Yes, ma'am.</p> <p>12 (The deposition concluded at 4:15 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

49

## CERTIFICATE OF OATH

STATE OF FLORIDA )  
COUNTY OF LAKE )

I, Layla F. Degler, Florida Professional Reporter,  
the undersigned authority, certify that XUE MEI WANG  
(Translator) and LI-YING CHUONG (Witness) personally  
appeared before me and were duly sworn on the 14th day  
of May, 2010.

WITNESS my hand and official seal this 27th day of  
May, 2010.

\_\_\_\_\_  
Layla F. Degler  
Florida Professional Reporter  
Notary Public, State of Florida  
My Commission No.: DD0683892  
Expires: 06/10/2011

50

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LAKE )

I, Layla F. Degler, Florida Professional Reporter  
and Notary Public in and for the State of Florida at  
Large, do hereby certify that the aforementioned witness  
was by me first duly sworn to testify the whole truth;  
that I was authorized to and did report said deposition  
in stenotype; and that the foregoing pages are a true  
and correct transcript of my shorthand notes of said  
deposition.

I further certify that said deposition was taken at  
the time and place hereinabove set forth and that the  
taking of said deposition was commenced and completed as  
hereinabove set out.

I further certify that I am not an attorney or  
counsel of any of the parties, nor am I a relative or  
employee of any attorney or counsel of the party  
connected with the action, nor am I financially  
interested in the action.

The foregoing certification of this transcript does  
not apply to any reproduction of the same by any means  
unless under the direct control and/or direction of the  
certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 27th day of May, 2010.

\_\_\_\_\_  
LAYLA F. DEGLER  
Notary Public - State of Florida  
My Commission No.: DD0683892  
Expires: 06/10/2011

51

## DEPOSITION ERRATA SHEET

Assignment No.: 163709

ATLAS FLOWERS d/b/a as GOLDEN FLOWERS vs. GOLDEN VISION FLOWERS.

## DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read  
the entire transcript of me Deposition taken in the  
captioned matter or the same has been read to me, and  
the same is true and accurate, save and except for  
changes and or corrections, if any, as indicated by me  
on the DEPOSITION ERRATA SHEET hereof, with the  
understanding that I offer these changes as if still  
under oath.

Signed on the \_\_\_\_ day of \_\_\_\_, 20\_\_.

LI-YING CHUONG

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

LI-YING CHUONG

52

## DEPOSITION ERRATA SHEET

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

Reason for

change: \_\_\_\_\_

Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

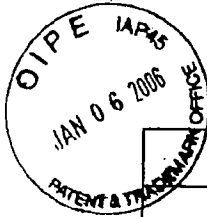
LI-YING CHUONG

53

1 DEPOSITION ERRATA SHEET  
2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
3 Reason for  
4 change: \_\_\_\_\_  
5 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
6 Reason for change: \_\_\_\_\_  
7 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
8 Reason for change: \_\_\_\_\_  
9 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
10 Reason for change: \_\_\_\_\_  
11 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
12 Reason for change: \_\_\_\_\_  
13 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
14 Reason for change: \_\_\_\_\_  
15 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
16 Reason for change: \_\_\_\_\_  
17 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
18 Reason for change: \_\_\_\_\_  
19 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
20 Reason for change: \_\_\_\_\_  
21 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
22 Reason for change: \_\_\_\_\_  
23 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
25 LI-YING CHUONG

**NOTICE OF RELIANCE**

**DOCUMENT 4**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	76/594946
Application Filing Date:	June 1, 2004
Notice of Allowance Date:	July 19, 2005
Mark:	GOLDEN VISION FLOWER INC. (and design)
Applicant:	Golden Vision Flower Inc.
Attorney's Reference:	GOLD6004/REF

**COVER LETTER**  
FOR A STATEMENT OF USE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Madam:

1. Submitted herewith are the following:
  - a. A check in the amount of **\$100.00**.
  - b. **STATEMENT OF USE** that recites all of the goods/services, 2 specimens and payment of the \$100.00 per class U.S. government fee.
2. The Commissioner is authorized to charge to deposit account no. 02-0200 any fees required to prevent the abandonment of the application and any fees authorized by the undersigned by telephone. A duplicate copy of this document is attached.

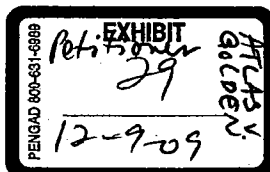
BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500

Date: January 6, 2006

Respectfully submitted,

Richard E. Fichter  
Applicant's Attorney

S:\Product\ref\LEADER\TRADEMARKS\GOLD VISION FLOWER INC.  
6004\Cover Letter for SOU.wpd



01-06-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	76/594,946
Application Filing Date:	June 1, 2004
Notice of Allowance Date:	July 19, 2005
Mark:	GOLDEN VISION FLOWER INC. (AND DESIGN)
Applicant:	Golden Vision Flower Inc.

**STATEMENT OF USE**  
UNDER 37 C.F.R. §2.88

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

Applicant requests registration of the mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 *et seq.*, as amended).

1. Applicant has adopted and is using the mark in commerce in the United States on or in connection with each of the following, in accord with Section 1(a) of the Lanham Act, as amended, 15 U.S.C. §1051(a) [list goods/services]: cut flowers, dried flowers and live flowers; flower bulbs; flowers seeds; live flowering plants; dried plants and live plants; grass and grass seeds; fresh herbs and raw herbs; live orchids.
2. The mark was first used on a date at least as early as [date]: June 1, 2004
3. The mark was first used in *commerce* on a date at least as early as [date]: December 1, 2004



**STATEMENT OF USE**

**U.S. Application No.** 76/594,946

4. The current use of the mark on or in connection with the foregoing in *commerce* is shown by the attached specimen(s).

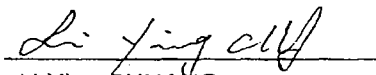
**DECLARATION**

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that: I am properly authorized to execute this declaration on behalf of applicant; I believe applicant to be the owner of the mark sought to be registered; the mark is in use in such commerce, as described above; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

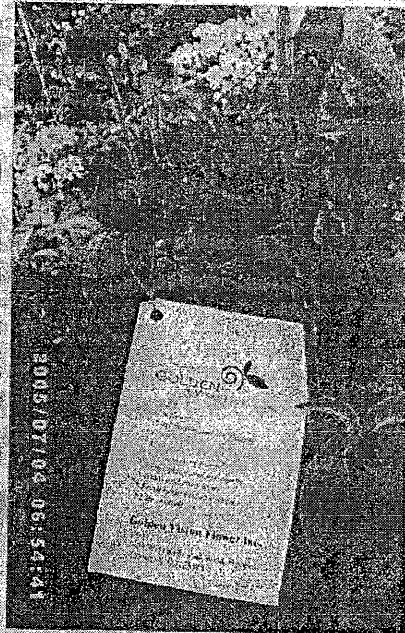
Respectfully signed,

Date: August 8, 2005

(06Nov2001)

  
Name and Title: Li Ying CHUANG  
President

SPECIMEN





- \* Cut flowers
- \* dried flowers and live flowers
- \* Flower bulbs
- \* Flower seeds
- \* Live flowering plants
- \* Dried plants and live plants
- \* Grass and grass seeds
- \* Fresh herbs and raw herbs
- \* Live orchids

**Golden Vision Flower Inc.**

2809 West Kelly Park Road, Apopka  
FLORIDA 32712-5125

**NOTICE OF RELIANCE**

**DOCUMENT 5**



台南市林森路一段10號10樓之9  
力得國際智慧財產權事務所  
力得國際專利商標事務所

Attorneys at Law

Patent and Trademark Agents

## Leader International Services

No. 149, (Room 9, 10/F.) Lin Sen Road

Sec. 1, Tainan, Taiwan.

Telephone:

886-6-2356383

Facsimile:

886-6-2374041

Correspondence:

P.O. Box 1032

Tainan, Taiwan.

E-mail:

leader@seed.net.tw

Bacon & Thomas  
625 Slaters Lane, 4/F  
Alexandria, VA 22314-1176  
U. S. A.

Dear Sirs,

Date: May 12, 2004

Our Ref.: TEJ-606USB

Please file an application in accordance with the following instructions and mail us the filing certificate & your debit note in due course. It is requested that this application must be kept in force under all circumstances unless you have instructions from us to the contrary.

By return airmail/telecopier, please kindly confirm your safe receipt of this order letter.

- (1) Application for: U.S. (Intent-to-Use) Trademark Registration
- (2) Applicant/
  - A) Name: Golden Vision Flower Inc.
  - B) Address: 2809 West Kelly Park Road, Apopka, FL 32712-5125
  - C) Nationality: A Company of Florida, U.S.A.,  
(organized and existing under the laws of Florida, U.S.A.)
- (3) Name of Trademark: GOLDEN VISION Flower Inc & Device
- (4) Class of Goods: International Class 31
- (5) Designated Goods: (Please see the attached application information form)
- (6) Priority Claimed: (Nil)
- (7) Enclosures/
  - A) Application Information (signed)

GOLDG004

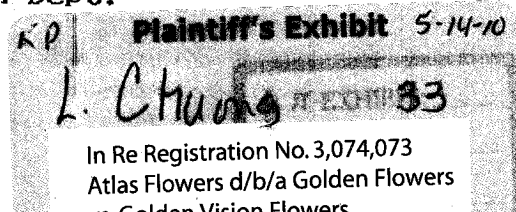
Date 5-25-04 Atty FSM REF  
Action Due TM Appl  
Deadline CNE 5-27-04  
Final Deadline DFA 6-01-04  
Based on \_\_\_\_\_



Sincerely,

*Yang Kuen-Tsang*  
Yang Kuen-Tsang  
Foreign Dept.

Encls.



**NOTICE OF RELIANCE**

**DOCUMENT 6**

FILED  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

03 JUN 12 PM 12:06

**ARTICLES OF INCORPORATION**

In compliance with Chapter 607 and/or Chapter 621, F.S. (Profit).

**ARTICLE I NAME**

The name of the corporation shall be: Golden Vision Flower Inc.

**ARTICLE II PRINCIPAL OFFICE** The principal place of business/mailling address is: 7503 Megan Elissa Lane, Orlando, FL 32819

**ARTICLE III PURPOSE**

The purpose for which the corporation is organized is:  
To plant, grow and sell orchid flowers

**ARTICLE IV SHARES**

The number of shares of stock is: 10,000 Common Shares

**ARTICLE V INITIAL OFFICERS/DIRECTORS** The

name(s), addressees) and title(s):  
Mr. Shun-Chi HUANG, 22 Lane 308, Section 3, Dongmen Road, Tainan, Taiwan - President/Director

**ARTICLE VI REGISTERED AGENT**

The name and Florida street address of the registered agent is:

Corporation Service Company, 1201 Bay Street, Tallahassee, Florida 92301

**ARTICLE VII INCORPORATOR** The

name and address of the Incorporator is:  
Mr. Shun-Chi HUANG, 22 Lane 308, Section 3, Dongmen Road, Tainan, Taiwan

\*\*\*\*\*  
Having been named as registered agent to accept service of process for the above stated corporation at the place designated in this certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity  
Corporation Service Company By:

Cynthia L. Harris  
as its agent

Signature/Registered Agent

*Cynthia L. Harris*

Date 6/12/03

Signature/Incorporator

*Shun-Chi Huang*

Date June 2, 2003



Entity Name: GOLDEN VISION FLOWER INC.

## Current Principal Place of Business:

7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819

## New Principal Place of Business:

## Current Mailing Address:

7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819

## New Mailing Address:

FEI Number: 20-0164367

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

## Name and Address of Current Registered Agent:

CORPORATION SERVICE COMPANY  
1201 HAYS STREET  
TALLAHASSEE, FL 323012525 US

## Name and Address of New Registered Agent:

WANG, JOE  
7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: JOE WANG

01/12/2004

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ( ).

## OFFICERS AND DIRECTORS:

Title: PD ( ) Delete  
Name: JUANG, SHUN-CHI  
Address: 22 LANE 308, SECTION 3 DONGMEN ROAD  
City-St-Zip: TAINAN, TAIWAN,

## ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: PD (X) Change ( ) Addition  
Name: HUANG, SHUN-CHI  
Address: 22 LANE 308, SECTION 3 DONGMEN ROAD  
City-St-Zip: TAINAN, TAIWAN, TW TW

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN-CHI HUANG

PD

01/12/2004

Electronic Signature of Signing Officer or Director

Date




**2005 FOR PROFIT CORPORATION  
ANNUAL REPORT**

5/

**Jun 03, 2005 8:00 am**  
**Secretary of State**

05-06-2005 90101 004 \*\*\*150.00

<b>DOCUMENT # P03000065832</b> 1. Entity Name <b>GOLDEN VISION FLOWER INC.</b>	
--	---

<b>Principal Place of Business</b> 2809 W KEELY PARK RD APOPKA, FL 32712	<b>Mailing Address</b> 2809 W KEELY PARK RD APOPKA, FL 32712
--	--

**DO NOT WRITE IN THIS SPACE**



04062005 No Chg-P CR2E034 (10/03)

4. FEI Number 20-0184367	Applied For Not Applicable
-----------------------------	-------------------------------

5. Certificate of Status Desired <input type="checkbox"/>	\$8.75 Additional Fee Required
---	-----------------------------------

6. Name and Address of Current Registered Agent  
  
WANG, JOE  
7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819

**DO NOT WRITE  
IN THIS SPACE**

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.

SIGNATURE X S C (NOTE: Registered Agent signature required when releasing) DATE

<b>FILE NOW!!! FEE IS \$150.00 After May 1, 2005 Fee will be \$550.00</b>	9. Election Campaign Financing Trust Fund Contribution. <input type="checkbox"/> <b>\$5.00 May Be Added to Fees</b>
---	--

10. OFFICERS AND DIRECTORS	
TITLE NAME STREET ADDRESS CITY - ST - ZIP	PD HUANG, SHUN-CHI 22 LANE 308, SECTION 3 DONGMEN ROAD TAINAN, TAIWAN, TW
TITLE NAME STREET ADDRESS CITY - ST - ZIP	
TITLE NAME STREET ADDRESS CITY - ST - ZIP	
TITLE NAME STREET ADDRESS CITY - ST - ZIP	
TITLE NAME STREET ADDRESS CITY - ST - ZIP	
TITLE NAME STREET ADDRESS CITY - ST - ZIP	

**DO NOT WRITE  
IN THIS SPACE**

12. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.

SIGNATURE: X S C May 28 '05 1407-884-8989  
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Date Daytime Phone

Entity Name: GOLDEN VISION FLOWER INC.

## Current Principal Place of Business:

2809 W KEELY PARK RD  
APOPKA, FL 32712

## New Principal Place of Business:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## Current Mailing Address:

2809 W KEELY PARK RD  
APOPKA, FL 32712

## New Mailing Address:

2809 W KELLY PARK RD  
APOPKA, FL 32712

FEI Number: 20-0164367

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

## Name and Address of Current Registered Agent:

WANG, JOE  
7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819 US

## Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: \_\_\_\_\_

Electronic Signature of Registered Agent

Date

In accordance with s. 607.193(2)(b), F.S., the corporation did not receive the prior notice.

Election Campaign Financing Trust Fund Contribution ( ).

## OFFICERS AND DIRECTORS:

Title: PD ( ) Delete  
Name: HUANG, SHUN-CHI  
Address: 22 LANE 308, SECTION 3 DONGMEN ROAD  
City-St-Zip: TAINAN, TAIWAN, TW TW

## ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: PD (X) Change ( ) Addition  
Name: HUANG, SHUN-CHI  
Address: 2809 W. KELLY PARK RD.  
City-St-Zip: APOPKA, FL 32712

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN-CHI HUANG

PH

05/02/2006

Electronic Signature of Signing Officer or Director

Date

Entity Name: GOLDEN VISION FLOWER INC.

## Current Principal Place of Business:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## New Principal Place of Business:

## Current Mailing Address:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## New Mailing Address:

FEI Number: 20-0164367

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

## Name and Address of Current Registered Agent:

WANG, JOE  
7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819 US

## Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: \_\_\_\_\_

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ( ).

## OFFICERS AND DIRECTORS:

Title: PD ( ) Delete  
Name: HUANG, SHUN-CHI  
Address: 2809 W. KELLY PARK RD.  
City-St-Zip: APOPKA, FL 32712

## ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN CHI HUANG

PD

04/15/2007

Electronic Signature of Signing Officer or Director

Date

Entity Name: GOLDEN VISION FLOWER INC.

## Current Principal Place of Business:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## New Principal Place of Business:

## Current Mailing Address:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## New Mailing Address:

FEI Number: 20-0164367

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

## Name and Address of Current Registered Agent:

WANG, JOE  
7503 MEGAN ELISSA LANE  
ORLANDO, FL 32819 US

## Name and Address of New Registered Agent:

HUANG, SHUN CHI PD  
2809 W. KELLY PARK ROAD  
APOPKA, FL 32712 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: SHUN CHI HUANG

04/04/2008

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ( ).

## OFFICERS AND DIRECTORS:

Title: PD ( ) Delete  
Name: HUANG, SHUN-CHI  
Address: 2809 W. KELLY PARK RD.  
City-St-Zip: APOPKA, FL 32712

## ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN CHI HUANG

PD

04/04/2008

Electronic Signature of Signing Officer or Director

Date

Entity Name: GOLDEN VISION FLOWER INC.

## Current Principal Place of Business:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## New Principal Place of Business:

## Current Mailing Address:

2809 W KELLY PARK RD  
APOPKA, FL 32712

## New Mailing Address:

FEI Number: 20-0164367

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired (X)

## Name and Address of Current Registered Agent:

HUANG, SHUN CHI PD  
2809 W. KELLY PARK ROAD  
APOPKA, FL 32712 US

## Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ( ).

## OFFICERS AND DIRECTORS:

Title: PD ( ) Delete  
Name: HUANG, SHUN-CHI  
Address: 2809 W. KELLY PARK RD.  
City-St-Zip: APOPKA, FL 32712Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

## ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:Title: D ( ) Change (X) Addition  
Name: CHUANG, LI-YING  
Address: 2809 W. KELLY PARK ROAD  
City-St-Zip: APOPKA, FL 32712

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN-CHI HUANG

PD

03/04/2009

Electronic Signature of Signing Officer or Director

Date

**NOTICE OF RELIANCE**

**DOCUMENT 7**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atlas Flowers, Inc., d/b/a Golden  
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.

---

**REGISTRANT'S ANSWERS TO INTERROGATORIES**

Registrant, Golden Vision Flower, Inc., hereby responds to Petitioner's First Set of Interrogatories, and states:

**General Objections**

Registrant objects to Petitioner's definition of "identify" as it relates to documents, acts and company. Said definition dramatically expands the scope of each interrogatory thereby making them overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

**Answers and Specific Objections**

1. Identify the nature of Registrant's organization.

Golden Vision Flower, Inc., a Florida corporation. 2809 W. Kelly Park Rd., Apopka, Florida, 32712.

2. State when Registrant first adopted Registrant's Mark.

2003.

3. Identify each of Registrant's officers since Registrant first adopted Registrant's Mark.

Registrant has attached State of Florida filings which list the requested information.

4. Identify each person who participated in the adoption of Registrant's Mark.

Shun-Chi Huang and Li-Ying Chuang.

5. State when Registrant made first use of Registrant's Mark.

June 1, 2004.

6. Identify all goods and/or services sold or offered for sale under Registrant's Mark.

Orchids. Phalaenopsis, Cattleya, and Dendrobium.

7. Identify all media channels in which Registrant advertises for the goods and/or services provided under Registrant's Mark, e.g., newspaper, magazine, radio, television, mailers, fliers, brochures, programs, pamphlets, etc.

Magazine, brochures and nursery members. Samples of those documents are being produced simultaneously herewith.

8. Identify the geographic area in which Registrant has sold or offered for sale the goods and/or services sold under Registrant's Mark.

United States and Canada.

9. Describe a typical customer of the goods and/or services sold or offered for sale under Registrant's Mark.

Wholesale distributors and floral designers.

10. Identify all searches conducted by Registrant regarding Registrant's Mark.

Registrant's counsel in Taiwan conducted searches on its behalf and Registrant believes a full search and knock out search were conducted.

11. State when and how Registrant first became aware of Petitioner and identify all documents and electronic data evidencing or referring to such awareness.

Letter from Petitioner's counsel dated April 3, 2009.



12. Identify all persons responsible for marketing or intended marketing of the goods and/or services provided under Registrant's Mark.

Shih-Wen Huang and Chiung-Ying Huang.

13. Identify all of Registrant's registrations or currently pending applications for Registrant's Mark, or a mark incorporating the words "GOLDEN FLOWERS," in the United States Patent and Trademark Office, in any of the States of the United States or in the Trademark Office of any foreign country.

Registration number 3074073 in the USPTO. Registrant objects to the interrogatory to the extent it seeks information outside of the mark at issue as it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

14. Identify all trademarks and trade names used by Registrant including the words "GOLDEN FLOWERS."

None.

15. With respect to each trade name or trademark identified in response to the preceding interrogatory, identify each product and service sold by Registrant under the trademark or trade name, and state when Registrant began such use.

None.

16. Identify Registrant's three largest customers for flower-related items under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Evergreen Bonsai Nursery, 20815 2<sup>nd</sup> Concession Rd., Newmarket, Ontario, Canada.  
Owens Orchids, 18 Orchid Heights Dr., Pisgah Forest, NC, and Remarkable Homes and Gardens, 20990 SW 147 Av., Miami, Florida.

17. Identify Registrant's annual sales of flower-related items, in units and dollars, under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Registrant objects to the interrogatory on the basis it is not reasonably calculated to lead to the discovery of admissible evidence.

18. Identify all persons providing packaging to Registrant for Registrant's goods sold by Registrant under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Packaging Corporation of America, 3785 Bryn Mawr Street, Orlando, Florida, and Pratt Industries, PO Box 933949, Atlanta, Georgia.

19. Identify any expert witness and the substance of the expected testimony of such witness that Registrant intends to obtain testimony from in this proceeding.

Unknown at this time.

20. Identify each fact witness and the substance of the testimony expected from each such witness that Registrant plans to call as a witness in this proceeding.

Unknown at this time.

21. In relation to each person identified in response to Interrogatory No. 19 and Interrogatory 21, identify all communications with each such person concerning Registrant or this proceeding.

Registrant objects to this interrogatory to the extent it seeks to invade the attorney client privilege and the work product privilege. Subject to that objection Registrant states that are no persons requested to be identified in interrogatory 21 and that there have been no expert witnesses yet identified in response to interrogatory 19.

22. Identify any communications with any person, other than employees of Registrant or attorneys for Registrant, concerning Petitioner or this proceeding.

None.

23. Identify each application filed by Registrant for registration of Registrant's Mark outside of the United States.

Registrant objects to this interrogatory as not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection Registrant states there are none.

24. Identify each Registration of Registrant's Mark obtained by Registrant outside of the United States.

Registrant objects to this interrogatory as not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection Registrant states there are none.

25. Identify each of Registrant's principal competitors in the sale or other disposal of the Registrant's goods and/or services.

Deleon's Bromeliads, 13745 SW 216 St., Goulds, Florida.

26. For each "affirmative defense" set forth in the Answer to Petition for Cancellation, set forth the basis for such defenses by:

- a) stating all facts and evidence which support each such defense;
- b) identify all witnesses who may have knowledge used to support or refute each such defense; and,
- c) identify all documents which may support or refute each such defense.

Registrant objects to this interrogatory to the extent it seeks to invade the work product privilege by requiring counsel for Registrant to divulge information created through his own thought process about information and evidence relevant to the stated defenses. Without waiving that privilege Registrant states:

First Affirmative Defense. There are numerous federal and state registrations containing the term Golden in relation to wholesale flower supply. Registrant does not yet know which documents and witnesses relate to this defense.

Second Affirmative Defense. Registrant believes that the term Vision in its mark creates a distinct impression from Petitioner's mark. Registrant does not yet know which documents and

witnesses relate to this defense.

Third Affirmative Defense. Registrant believes that the defense speaks for itself but further states that it has never been confused with Petitioner and believes that Petitioner has never been confused with Registrant. Registrant further believes that the parties' respective distribution chains and customers are distinct and well-established further enforcing this lack of confusion. Registrant does not yet know which documents and witnesses relate to this defense except to the extent that Shih-Wen Huang and Chiung-Ying Huang have knowledge of the lack of confusion.

Fourth Affirmative Defense. By law, Petitioner has been constructively aware of Registrant's registration and use of its mark without objecting. Registrant has used its mark in accordance therewith and built up substantial goodwill. Registrant does not yet know which documents and witnesses relate to this defense except to the extent that Shih-Wen Huang and Chiung-Ying Huang have knowledge of the use of Registrant's Mark without objection from Petitioner, the goodwill related to Registrant's Mark and the damage to Registrant if its Mark is cancelled.

27. Identify by name, address and title each person who furnished information respecting the answers to the foregoing interrogatories.

Shih-Wen Huang and Chiung-Ying Huang. Address c/o Registrant's counsel.

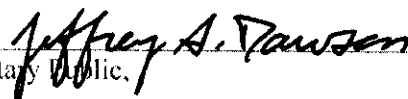
State of Florida

County of Orange

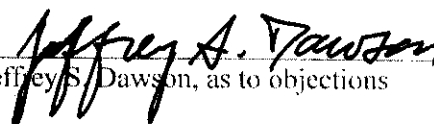
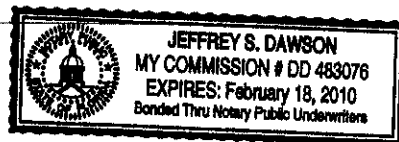


Shih-Wen Huang

Before me personally appeared Shih-Wen Huang who has sworn to and subscribed before me this 22 day of October 2009 that the foregoing answers are true and correct to the best of her knowledge and who ☒ who is personally known to me or [ ] who produced \_\_\_\_\_ as identification and who did take an oath.

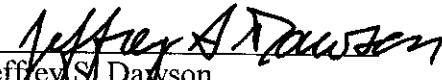
  
Notary Public.

Print Name: \_\_\_\_\_

  
Jeffrey S. Dawson, as to objections

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on October 22, 2009 to Caroline G. Boehm, 488 Madison Avenue, New York, NY 10022.

  
Jeffrey S. Dawson  
Fla. Bar No. 980366  
P.O. Box 1111  
Winter Haven, Florida 33882  
863.293.9600  
jdawson@jdawsonlaw.com

**NOTICE OF RELIANCE**

**DOCUMENT 8**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atlas Flowers, Inc., d/b/a Golden  
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.

\_\_\_\_\_ /

**ANSWER AND AFFIRMATIVE DEFENSES  
TO SECOND AMENDED PETITION FOR CANCELLATION**

Registrant, Golden Vision Flower, Inc., answers Petitioner's Second Amended  
Petition for Cancellation, and states:

1. Registrant is without sufficient information to admit or deny the allegation.
2. Registrant is without sufficient information to admit or deny the allegation.
3. Denied that Petitioner's rights are superior to Registrant's. Registrant is  
without sufficient information to admit or deny the remaining allegations.
4. Denied.
5. Denied.
6. Denied.
7. Admitted that the registration speaks for itself.
8. Admitted that the deposition transcript of Ms. Huang speaks for itself as well  
as all other testimony to be taken in this matter of individuals with more knowledge  
regarding the specified subject matter.
9. Denied.



10. Admitted that the documents and record speak for themselves.
11. Denied.
12. Registrant is without sufficient information to admit or deny the allegation.
13. Denied.
- (a) Admitted that Ms. Huang's testimony speaks for itself and is limited to her knowledge of Registrant's activity.
- (b) Admitted that Registrant is owned by Ms. Huang's parents and managed by her father. The remaining allegations are denied.
- (c) Admitted that Ms. Huang's testimony speaks for itself and is limited to her knowledge of Registrant's activity.
- (d) Admitted that the specimen speaks for itself. The remaining allegations are denied.
- (e) Admitted that the Statement of Use speaks for itself as well as Registrant's corporate records of its officers.
14. Admitted that Ms. Chuang was not the president of Registrant. The remaining allegations are denied.
15. No response required as paragraph has been stricken.
16. No response required as paragraph has been stricken.
17. Denied.

#### **First Affirmative Defense**

18. If Petitioner has any rights in the mark Golden Flowers such rights are narrow in scope in view of third party uses and registrations directed to marks which include the words Golden and Flowers.

### **Second Affirmative Defense**

19. The inclusion of the term Vision as well as the unique and different design in Registrant's mark creates a distinctly different impression and meaning on the public thereby reducing or eliminating any reasonable likelihood of confusion.

### **Third Affirmative Defense**

20. The parties' historical use of their respective marks confirms that there is no reasonable likelihood of confusion as the parties have harmoniously used their marks simultaneously for over seven years.

### **Fourth Affirmative Defense**

21. Petitioner's request for cancellation should be denied as it was constructively aware of Registrant's registration and use of its marks and failed to take any action to prevent said use. In reliance thereon, Registrant continued to use its marks and has developed substantial goodwill with its mark. Cancellation of its mark would cause damage to Registrant.

### **Fifth Affirmative Defense**

22. Registrant's mark has come to be identified with Registrant's brand of flowers. As a result of its continuous substantial usage the mark is a valuable asset of Registrant and carries considerable goodwill and consumer acceptance of its products sold under the mark. Such goodwill and widespread usage has made the mark distinctive to Registrant.

### **Sixth Affirmative Defense**

23. Petitioner's allegations of fraud fail because Petitioner has shown no intent to deceive by Registrant or its representatives. The testimony in this case, at most, indicates a language barrier that contributed to Registrant's assertions regarding use of its

trademark.

### **Seventh Affirmative Defense**

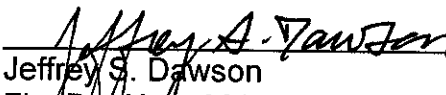
24. Petitioner alleges that it will be seriously injured if Registrant's certificate of registration is allowed to remain of record thereby obstructing its applications for registration. Petitioner further states that Registrant's registration would have been limited to live orchids had it not allegedly included additional goods improperly. However, Petitioner has failed to allege and cannot prove that its applications would result in registrations even if Registrant's certificate of registration were limited to live orchids.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on July 14, 2011 to Tal Benschar, 488 Madison Avenue, New York, NY 10022.

### **CERTIFICATE OF FILING**

I HEREBY CERTIFY that the foregoing Answer is being filed with the Trademark Trial and Appeal Board through the ESTTA system on July 14, 2011.

  
Jeffrey S. Dawson  
Fla. Bar No: 980366  
P.O. Box 1111  
Winter Haven, Florida 33882  
863.293.9600 Telephone  
jdawson@jdawsonlaw.com